

NOTICE
OF
MEETING

**MAIDENHEAD DEVELOPMENT
MANAGEMENT COMMITTEE**

will meet on

WEDNESDAY, 17TH AUGUST, 2022

At 7.00 pm

In the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD, AND ON [RBWM YOUTUBE](#)

TO: MEMBERS OF THE MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE

COUNCILLORS MAUREEN HUNT (CHAIRMAN), LEO WALTERS (VICE-CHAIRMAN),
JOHN BALDWIN, GURPREET BHANGRA, MANDY BRAR, GERRY CLARK,
GEOFF HILL, JOSHUA REYNOLDS AND DAVID COPPINGER

SUBSTITUTE MEMBERS

COUNCILLORS CLIVE BASKERVILLE, STUART CARROLL, CATHERINE DEL CAMPO,
ANDREW JOHNSON, GREG JONES, GURCH SINGH, DONNA STIMSON,
CHRIS TARGOWSKI AND HELEN TAYLOR

Karen Shepherd – Head of Governance - Issued: 9 August 2022

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Becky Oates** Becky.Oates@RBWM.gov.uk

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	-
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any declarations of interest.</p>	5 - 8
3.	<p><u>MINUTES OF THE PREVIOUS MEETING</u></p> <p>To approve the minutes of the meeting held on 20 July 2022 as a true and accurate record.</p>	9 - 10
4.	<p><u>21/03493/FULL - LAND BETWEEN GRINGER HILL AND HARGRAVE ROAD MAIDENHEAD</u></p> <p>Proposal: Development of x44 later living apartments and associated communal facilities (residents' lounge, store, guest accommodation) with car parking, vehicular and pedestrian access from Gringer Hill, maintenance and emergency pedestrian access from Hargrave Road, all associated landscaping, including removal of existing vegetation, associated drainage works and all other associated works.</p> <p>Recommendation: PERMIT</p> <p>Applicant: Mr Broomfield</p> <p>Member Call-In: N/A</p> <p>Expiry Date: 22 July 2022</p>	11 - 54
5.	<p><u>22/00270/FULL - BELLMAN HANGAR SHURLOCK ROW READING RG10 0PL</u></p> <p>Proposal: Erection of 12no. dwellings with associated parking and landscaping and the retention of the existing access road following the demolition of the existing buildings, warehouse, external storage areas and hardstanding.</p> <p>Recommendation: REFUSE</p> <p>Applicant: Shanly Homes</p> <p>Member Call-In: N/A</p> <p>Expiry Date: 25 August 2022</p>	55 - 74
6.	<p><u>22/01207/OUT - OAKLEY GREEN MUSHROOM FARM OAKLEY GREEN ROAD OAKLEY GREEN WINDSOR SL4 5UL</u></p>	75 - 96

Proposal: Outline application for Access, Layout and Scale only to be considered at this stage with all other matters to be reserved for the demolition of storage buildings (Class B8) and erection of 29 dwellings, together with associated access, parking and provision of amenity space.

Recommendation: REFUSE

Applicant: Mr East

Member Call-In: N/A

Expiry Date: 22 August 2022

7.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

97 - 100

To note the contents of the report.

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes a list of Background Papers that have been relied on to a material extent in the formulation of the report and recommendation. The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper, although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as "Comments Awaited".

The list will not include published documents such as the Town and Country Planning Acts and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance, as the instructions, advice and policies contained within these documents are common to the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading "Remarks".

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

MEMBERS' GUIDE TO DECLARING INTERESTS AT MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a Disclosable Pecuniary Interest (DPI) or Other Registerable Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

DPIs (relating to the Member or their partner) include:

- *Any employment, office, trade, profession or vocation carried on for profit or gain.*
- *Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses*
- *Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.*
- *Any beneficial interest in land within the area of the council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) *that body has a place of business or land in the area of the council, and*
 - b) *either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.*

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive

interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests (relating to the Member or their partner):

You have an interest in any business of your authority where it relates to or is likely to affect:

- a) *any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) *any body*
 - (i) exercising functions of a public nature*
 - (ii) directed to charitable purposes or*

one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

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Agenda Item 3

MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY, 20 JULY 2022

PRESENT: Councillors Maureen Hunt (Chairman), Leo Walters (Vice-Chairman), John Baldwin, Gurpreet Bhangra, Mandy Brar, Gerry Clark, Geoff Hill, Joshua Reynolds and David Coppinger

Also in attendance: Councillor Gurch Singh and Councillor Donna Stimson

Officers: Oran Norris-Browne, Karen Shepherd, Helena Stevenson and Sian Saadeh

APOLOGIES FOR ABSENCE

No apologies for absence were received.

DECLARATIONS OF INTEREST

No declarations of interest were made.

MINUTES OF THE PREVIOUS MEETING

AGREED UNANIMOUSLY: That the minutes of the meeting held on 15 June 2022 be a true and accurate record.

20/03149/OUT - MAIDENHEAD SPIRITUALIST CHURCH YORK ROAD MAIDENHEAD SL6 1SH

A motion was put forward by Councillor Hill to permit the application, which was in line with Officer Recommendations, subject to the points that were laid out in paragraph 1.9 of the report. This was seconded by Councillor Baldwin.

A named vote was taken.

20/03149/OUT - MAIDENHEAD SPIRITUALIST CHURCH YORK ROAD MAIDENHEAD SL6 1SH (Motion)	
Councillor Maureen Hunt	Against
Councillor Leo Walters	Against
Councillor John Baldwin	For
Councillor Gurpreet Bhangra	Against
Councillor Mandy Brar	Against
Councillor Gerry Clark	Against
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	Against
Councillor David Coppinger	For
Rejected	

The motion fell.

A motion was put forward by Councillor Reynolds to refuse the application which was against officer recommendations. This was seconded by Councillor Walters. This was based on the following three reasons.

1. The application failed to provide affordable housing to meet the needs of the local population contrary to Borough Local Plan policy HO3. This harm was considered to

- have substantial weight and the evidence provided to justify the lack of affordable housing provision was not considered to outweigh this harm.
2. The proposed development failed to provide an adequate buffer to the river bank of the adjacent waterway and would therefore cause harm to nature conservation and habitats. The proposal would therefore be contrary to Borough Local Plan policies NR1 and NR2.
 3. The proposed development would be harmful to the character of the area and would be harmful to the living conditions of nearby properties due to loss of light and privacy. The proposed development would result in a significant change to the character of the site by introducing a densely built-up form. The proposal was therefore contrary to Borough Local Plan policy QP3.

A named vote was taken.

20/03149/OUT - MAIDENHEAD SPIRITUALIST CHURCH YORK ROAD MAIDENHEAD SL6 1SH (Motion)	
Councillor Maureen Hunt	For
Councillor Leo Walters	For
Councillor John Baldwin	Against
Councillor Gurpreet Bhangra	For
Councillor Mandy Brar	For
Councillor Gerry Clark	For
Councillor Geoffrey Hill	Against
Councillor Joshua Reynolds	For
Councillor David Coppinger	Against
Carried	

RESOLVED: That the application be refused on the above grounds.

The committee were addressed by 4 registered speakers. Georgina Kynaston, Objector, Kevin Scott, Applicant's representative, Councillor Singh Ward Councillor and Councillor Stimson, Ward Councillor.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

The Committee noted the report.

The meeting, which began at 7.05 pm, finished at 8.25 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 August 2022

Item: 1

Application No.:	21/03493/FULL
Location:	Land Between Gringer Hill And Hargrave Road Maidenhead
Proposal:	Development of x44 later living apartments and associated communal facilities (residents' lounge, store, guest accommodation) with car parking, vehicular and pedestrian access from Gringer Hill, maintenance and emergency pedestrian access from Hargrave Road, all associated landscaping, including removal of existing vegetation, associated drainage works and all other associated works.
Applicant:	Mr Broomfield
Agent:	Mr David Murray-Cox
Parish/Ward:	Maidenhead Unparished/Belmont
If you have a question about this report, please contact: Jeffrey Ng on or at jeffrey.ng@rbwm.gov.uk	

1. SUMMARY

- 1.1. The application site measures approximately 0.57 hectares and is located between Gringer Hill and Hargrave Road. The site is within an identified Protected Employment Sites as a mixed-use area under Policy ED2 of the Borough Local Plan, which is known as the DTC Research site. Currently, the site comprises an unused tennis court and a grassed area, which are not open to the public and is associated with the adjacent office complex. The site currently does not have formal access and it has to be accessed through the land to the south associated with the existing office building.
- 1.2. This application is seeking to introduce 44 (C3 sheltering housing) units, including 11 one-bedroom units and 33 two-bedroom units. 1 guest suite is proposed on the third floor. The occupation of the proposed units would be restricted to those aged over 60. The proposed building block facing Hargrave Road would be 3-storey and the block facing Gringer Hill would be 4-storey.
- 1.3. The proposal also comprises new vehicular access to Gringer Hill and new pedestrian gated access to Hargrave Road. In terms of parking arrangements, the proposal is seeking to provide 32 vehicle parking spaces, which include 3 designated parking bays for the disabled. Electric vehicle charging facilities will also be provided. 4 buggy spaces and 4 cycle parking spaces will also be provided within the proposed building. The proposal also includes several communal facilities, including a resident's lounge, a club room and communal amenity spaces.
- 1.4. The Report sets out the relevant Development Plan, other relevant Policies and Guidance and other material planning considerations relevant to this planning application. No concerns are raised from technical consultees.
- 1.5. The proposed development is considered acceptable in terms of highways, waste management, tree and landscaping, ecology and biodiversity, environmental health and flood risk and sustainable drainage (subject to planning conditions). The provision of such housing will also provide specialist housing for elderly people, which is supported by the SHMA 2016 and would also contribute to the ability of RBWM to maintain its up-to-date five-year housing land supply.
- 1.6. The Report also sets out matters which have been identified to depart from the Development Plan and where appropriate have been justified by way of other material considerations.
- 1.7. Therefore, the Officer's recommendation is to approve subject to the matters set out below:

It is recommended the Committee authorises the Head of Planning:	
1.	<p>To grant planning permission subject to the following:</p> <p>Completion of a Section 106 legal Agreement to secure:</p> <ul style="list-style-type: none"> • any Carbon Offset Contributions, the requisite Lifestyle Contribution, and a mechanism to secure compliance testing and any resulting shortfall payments, pursuant to the Position Statement on Sustainability and Energy Efficient Design – March 2021. • travel plan, and • to secure a Review of Development finances for affordable housing provision. <p>☐ The conditions are listed in Section 15 of this report.</p>

2. REASON FOR COMMITTEE DETERMINATION

2.1. The Council’s Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application is for major development.

3. THE SITE AND ITS SURROUNDINGS

3.1. The application site measures approximately 0.57 hectares and is located between Gringer Hill and Hargrave Road. The site is within an identified Protected Employment Site as a mixed-use area under Policy ED2 of the Borough Local Plan, which is known as the DTC Research site. Currently, the site comprises an unused tennis court and a grassed area, which are not open to the public and are associated with the adjacent office complex. The site currently does not have formal access and it has to be accessed through the land to the south associated with the existing office building.

3.2. The site immediately abuts the existing office complex to the south. Gringer Hill runs parallel to the eastern boundary of the site, which rises gently to the north. The Craufurd Arms public house is located on Gringer Hill to the south of the site. Hargrave Road, which is a cul-de-sac, runs parallel to the western boundary of the site and also rises gently to the north. To the north, the area is predominantly residential in nature. According to the RBWM Townscape Assessment, the site is within the “Industrial and Commercial Estates” Character but it is surrounded by the area 8D Belmont Road – Gringer Hill with the “Inter-war Suburbs” Character.

3.3. The site is located approximately 1 kilometre from Maidenhead Town Centre and approximately 821 metres to Furze Platt Railway Station. The nearest bus stops to the site are approximately 200 metres to the north and south of the site access.

4. KEY CONSTRAINTS

- Protected Employment Site as Mixed-Use Area
- Tree Preservation Order (TPO)

5. THE PROPOSAL

5.1. This application is seeking to introduce a development of 44 C3 sheltered housing units, including 11 one-bedroom units and 33 two-bedroom units. 1 guest suite is proposed on the third floor. The occupation of the proposed units would be restricted to those aged over 60. The proposed building block facing Hargrave Road would be 3-storey and the block facing Gringer Hill would be 4-storey.

5.2. The proposal also includes a new vehicular access to Gringer Hill and a new pedestrian gated access to Hargrave Road. In terms of parking arrangements, the proposal is seeking to provide 32 vehicle parking spaces, which include 3 designated parking bays for the disabled. Electric vehicle charging facilities will also be provided. 4 buggy spaces and 4 cycle parking spaces will also be provided within the proposed building. The proposal also incorporates a number of communal facilities, including a resident's lounge, a club room and communal amenity spaces.

6. RELEVANT PLANNING HISTORY

6.1. There are a number of applications relating to the DTC Research site, but they are all regarding the existing office complex. There is no relevant planning history at the application site.

7. DEVELOPMENT PLAN

7.1. The main relevant policies are:

Adopted Borough Local Plan 2013-2033

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3a
Housing Development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Protected Employment Sites	ED2
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands, and Hedgerows	NR3
Environmental Protection	EP1
Noise	EP4
Contaminated Land and Water	EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Utilities	IF7

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development
 Section 4- Decision-making
 Section 5 – Delivering a sufficient supply of homes
 Section 6 – Building a strong, competitive economy
 Section 9- Promoting Sustainable Transport
 Section 11 – Making effective use of land

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents

- Borough Wide Design Guide
- Sustainable Design and Construction SPD
- Planning Obligation and Developer Contributions SPD

Other Local Strategies or Publications

- Berkshire Strategic Housing Market Assessment (SHMA) 2016
- Townscape Assessment
- Landscape Assessment
- Parking Strategy
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy
- RBWM Waste Management Planning Advice Note
- DLUHC Technical housing standards – nationally described space standard 2015

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 9.1. 24 occupiers were notified directly of the application.
- 9.2. The planning officer posted a notice advertising the application at the site on 21.02.2022 and the application was advertised in the Local Press on 09.12.2021.
- 9.3. 14 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	The application should have more family housing instead of 1- and 2-bedroom flats.	Paragraph 10.13
2	The application is not in keeping with the local character of the area.	Paragraph 10.24
3	The application constitutes an overdevelopment of the site.	Paragraphs 10.27 and 10.28
4	Concerns over the height of the proposed building block	Paragraphs 10.27 and 10.28
5	Concerns over the proximity to properties along Hargrave Road.	Paragraph 10.31
6	Concerns over inadequate amenity space for future residents.	Paragraph 10.32
7	Concerns over the loss of light from the proposed tall buildings.	Paragraph 10.40
8	Concerns over privacy and overlooking from the balconies of the proposed buildings.	Paragraph 10.41
9	This application will worsen the existing highways and parking issues along Hargrave Road and Gringer Hill.	Paragraph 10.51
10	Concerns related to highway safety	Paragraph 10.53
11	There are inadequate parking spaces including visitor parking in this application.	Paragraph 10.58

12	Concerns over the impacts on the trees along Hargrave Road are subject to a Tree Preservation Order (TPO). Trees should be well protected during construction works.	Paragraph 10.70
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9.4. 3 letters were received neither supporting nor objecting to the application. The comments have already been summarised in the table above.

Consultees

Consultees	Comments	Where in the report this is considered
RBWM Highways	No objection subject to conditions related to access, cycle parking, car parking and a construction management plan. Highways Authority is also satisfied with the additional information provided related to SWEPT Path Analysis.	Paragraphs 10.43 to 10.65
RBWM Ecology	No objection subject to conditions related to Construction Environmental Management Plan, Biodiversity Enhancement and External Lighting Scheme.	Paragraphs 10.73 to 10.78
RBWM Environmental Protection	No objection subject to conditions related to land contamination and construction management plan.	Paragraphs 10.84 to 10.87
RBWM Lead Local Flood Authority	No objection subject to a condition requesting a surface water drainage scheme to be provided.	Paragraphs 10.88 and 10.89
Natural England	No objection.	Noted.
Thames Water	No objection subject to informative related to waste and wastewater.	Noted.
Royal Berkshire Fire and Rescue Service	No comments to make.	Noted

Others (e.g., Parish and Amenity Groups)

Groups	Comments	Where in the report this is considered
Maidenhead Civic Society	Support the scheme in general ☐ Concerns about visibility splays regarding egress from the site onto Gringer Hill have been resolved. ☐ Welcomes the design, setting and standard of accommodation offered by this scheme. ☐ The scheme would meet the increasing demand for senior living apartments, though there is a concern over the increasing number of flats in Maidenhead.	Noted. Highways matters are considered further in the report below.

10. EXPLANATION OF RECOMMENDATION

10.1. The key issues for consideration are:

- i) Principle of Development
- ii) Affordable Housing

- iii) Housing Provision and Quality
- iv) Design and Character
- v) Impact on amenity of neighbouring buildings
- vi) Highways and Parking
- vii) Waste Management
- viii) Trees and Landscaping
- ix) Ecology and Biodiversity
- x) Environmental Health
- xi) Flood Risk and Sustainable Drainage
- xii) Climate Change and Sustainability
- xiii) Other Material Considerations

i) Principle of Development

- 10.2. The application site is within an identified Protected Employment Site as a mixed-use area under Policy ED2 of the Borough Local Plan, which is known as the DTC Research site. Paragraph 3 of Policy ED2 sets out that an element of residential development may be acceptable in mixed-use areas subject to the overall quantum of employment floorspace within the mixed-use area as a whole not being reduced. The application site comprises an unused tennis court and a grassed area, which are not open to the public and are ancillary to the adjacent office building.
- 10.3. Policy ED2 sets out that an element of residential development may be acceptable in mixed-use areas, but it does not specifically set out the type of residential development. This application is seeking to introduce 44 sheltered housing units and the occupation of the proposed units will be restricted to those aged 60 or over. Given that there is no reduction in the overall quantum of employment floorspace at the DTC Research site as a whole, it is not considered that this application is contrary to Policy ED2 in principle. There are also no other policies restricting the site to be developed for a certain type of residential development. Consequently, the principle of residential development at this site is acceptable.

ii) Affordable Housing

- 10.4. Policy HO3 of the Borough Local Plan sets out that all developments for 10 dwellings gross, or more than 1,000 square metres of residential floorspace are required to provide on-site affordable housing as follows:
- On greenfield sites providing up to 500 dwellings gross – 40% of the total number of units proposed on the site.
 - On all other sites, (including those over 500 dwellings) – 30% of the total number of units.
- 10.5. Policy HO3 was based on a viability study in 2017 to specifically test affordable housing policy and it demonstrates that development in the Borough is viable and the policies do not impose disproportionate burdens on developers.
- 10.6. This application is seeking to create 44 C3 sheltering housing units which would trigger the affordable housing requirement within the development plan. This application is accompanied by a viability assessment, which has been conducted by Bailey Venning Associates, on behalf of the applicant, that seeks to demonstrate that the proposal cannot remain viable whilst providing any on-site affordable housing or by providing a contribution towards affordable housing. The report also states that on-site affordable housing cannot be provided due to the operational and management requirements of the development. It summarises that there is no surplus funding available for any affordable housing contributions.
- 10.7. The Council's Independent Viability Assessors have reviewed the applicant's viability assessment and have concluded that the land value of the proposed scheme is below the calculation of the Benchmark Land Value and therefore there is no surplus funding available to provide an affordable housing contribution. The applicant has agreed to a late-stage viability review mechanism as recommended, and it will be secured by a Section 106 Legal Agreement.

iii)

iv) Housing Provision and Quality

Housing Need

- 10.8. Policy HO2 sets out that the provision of new homes should contribute to meeting the needs of current and projected households by having regard to several principles, including the provision of an appropriate mix of dwelling types and sizes as set out in the Berkshire Strategic Housing Market Assessment (SHMA) 2016 unless there is evidence showing an alternative housing mix would be more appropriate. Policy HO2 also sets out that the provision of purpose-built and specialist accommodation with care for older people will be supported in settlement locations, subject to compliance with other policy requirements.
- 10.9. According to the submitted Planning Statement, the applicant considers that evidence showing the need for this specific type of housing is not required as the Borough Local Plan has already indicated that the Borough has an ageing population, and it is not reasonable or necessary to provide such evidence if the application is for a C3 general housing scheme.
- 10.10. According to the SHMA 2016, the Borough has an ageing population with significant projected growth in over 65-year-olds. Based on the projected need for older persons' accommodation over the 2013-2036 period, the Council requires an additional 2,155 market units (i.e., 1,866 units after deducting the projected supply of 289 units), which is equivalent to approximately 82 units per year. It is considered that the application can positively contribute to meeting the housing need for older persons' accommodation, in particular market units.

Housing Mix

- 10.11. The SHMA 2016 sets out that the future need for specialist retirement housing is typically defined as a form of congregate housing (i.e., designed exclusively for older people and which offers some form of communal space, community alarm service and access to support and care if required). This type of housing will usually have smaller units to attract 'early retired' older people looking to 'downsize' or wanting to live in specialist retirement housing.
- 10.12. Concerns have been raised in the representations received over the housing mix of this application and that it should have more family housing instead of one and two-bedroomed flats. The SHMA 2016 analysis, however, sets out that the provision of this type of specialist housing for older people is usually "*smaller (one and two bedroomed) housing aimed to attract 'early retired' older people*". Furthermore, it also "*attracts older people looking to "downsize" to free up family accommodation for younger households.*" Therefore, it is considered that the proposed housing mix of one and two bedroomed units in this application is justified.

Age Restriction

- 10.13. This application is seeking to introduce 44 sheltered housing units, comprising 11 one-bedroom units and 33 two-bedroom units. The occupation of the proposed units would be restricted to those aged over 60. It will help meet an identified need within the Borough and therefore is supported in principle. Regarding older peoples' housing, the NPPF defines older people as "*people over or approaching retirement age, including active elderly to the very frail, and whose housing needs can encompass accessible, adaptable general needs housing through to the range of retirement and specialised housing for those with support or care needs.*"
- 10.14. A condition is recommended to ensure that the housing is used solely as described for the purpose of providing accommodation for person or persons who, to acquire purchase or lease, will have a minimum age of 60, living as part of a single household.

Accessible and Adaptable Housing

- 10.15. According to Paragraph 010 (Reference ID: 63-010-20190626) of the Planning Practice Guidance (PPG), sheltered housing is one of the specialist forms of housing for older people and it consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services but provides some support to enable residents to live independently. This can include 24-hour on-site assistance (alarm) and a warden or house manager.
- 10.16. Policy HO2 of the Borough Local Plan sets out that for proposals of 20 or more dwellings, 30% of the dwellings should be delivered as accessible and adaptable dwellings by Building Regulations M4(2), and 5% of the dwellings should meet the wheelchair accessible standard in Building Regulations M4(3), unless evidence can be provided to demonstrate that such provision would be impracticable or render the scheme unviable.
- 10.17. According to the submitted Design and Access Statement, all proposed units are designed to Building Regulations M4(2) which is above the requirement as set out in Policy HO2.
- 10.18. The submitted Design and Access Statement and further information set out that up to 8 units are capable of being adapted to meet the M4(3) wheelchair-accessible standard which is about 18% of the total units. It is considered that the HO2 requirement is for general housing development and this application is to provide specialist sheltered housing for a certain group of older people (aged over 60). A pragmatic approach should be taken when assessing this application.
- 10.19. This application is seeking to provide specialist housing for older people. Providing accessible and adaptable housing up to Building Regulations is particularly important to accommodate the needs of future occupants. It is considered that the provision is above the requirement as set out in Policy HO2 (i.e., 3 units) and this type of sheltered housing requires some flexibility in terms of wheelchair-accessibility for future occupants. However, it is considered that further details should be provided to demonstrate how the proposed units can be converted to meet the wheelchair-accessible standard in Building Regulation M4(3). Further details would also be required regarding measures and plans which will be in place to ensure the relevant adaptations can be implemented in a timely fashion in line with the needs of prospective or existing occupants. Such details can be secured by a planning condition.

v) Design and Character

- 10.20. The appearance of the development is a material planning consideration. Section 12 of the NPPF and Policy QP3 of the Borough Local Plan set out that all development should seek to achieve a high-quality design that improves the character and quality of an area. Paragraph 133 of the NPPF sets out that in assessing applications, local planning authorities should have regard to the recommendations made by design review panels.
- 10.21. This application is accompanied by a design and access statement, which was conducted by Snug Architects, on behalf of the applicant. The statement sets out that the pre-application proposal was reviewed by the Design Southeast Design Review Panel.

Character

- 10.22. According to the RBWM Townscape Assessment, the site is with the "Industrial and Commercial Estates" Character but it is surrounded by the area 8D Belmont Road – Gringer Hill with the "Inter-war Suburbs" Character, which shows the use of bay windows and gabled front elevations.
- 10.23. The application site forms part of the DTC Research site, and it is immediately adjacent to an existing office building to the south of the site. However, the site is within a predominantly residential area with a topography that rises steadily from south to north. The site is bounded by Gringer Hill to the east and Hargrave Road to the west. Gringer Hill comprises a mixture of 2 and 3-storey detached houses incorporating hipped roofs with gables fronting the street, while Hargrave Road comprises terraced brick housing with lower-pitched roofs.

10.24. Concerns have been raised in the representations received regarding the proposed development not being in-keeping with the local character of the area. It is considered that the proposed building is attempting to respond to both identities of Gringer Hill and Hargrave Road. Based on the submitted plans, the proposal is seeking to integrate the specific features of area 8D Belmont Road – Gringer Hill into the proposed development, such as the use of bay windows and gabled front elevations fronting Gringer Hill. It is also considered that the proposal is seeking to respond to the feedback from the design review panel regarding the transitory character between Gringer Hill and Hargrave Road (i.e., Gringer Hill's character should drive the proposal's identity and reducing the height and massing of the building to the west will be adequate for the proposal to respond to Hargrave Road's character). It is not considered that the proposed development would harm the character of the area.

Scale and Massing

10.25. Policy QP3a of the Borough Local Plan sets out that a building of more than 1.5 times the context height of the surrounding area or a minimum of 4 storeys in a 2-storey area, will be considered a tall building. Policy QP3a continues to set out that tall buildings will only be considered appropriate in areas with high public transport accessibility, a mix of uses and an existing or emerging urban character that can successfully assimilate the scale, height, and level of activities of the proposed development.

10.26. A calculation has been provided in the design and access statement and it sets out that the context height along Gringer Hill is approximately 2.3-storey, while the context height along Hargrave Road is 2-storey. The proposed building block facing Hargrave Road would be 3-storey and the block facing Gringer Hill would be 4-storey. Though the statement sets out that the proposed building is not a tall building, it is considered that the proposed 4-storey block fronting Gringer Hill will be more than 1.5 times the context height along Gringer Hill (2.3-storey) and therefore it meets the definition of a tall building as set out in Policy QP3a.

10.27. Concerns have also been raised during the public consultation over the height of the proposed building block and that the proposal constitutes an overdevelopment of the site. Policy QP3a set out that proposal for tall buildings will only be considered appropriate in certain areas and must be of the highest quality of design. The site is considered to be an appropriate location to accommodate a tall building as the site is within walking distance of the railway station and local bus stops and will introduce an element of residential development to the mixed-use area. The proposed building is considered to be proportionate in terms of height and it is not considered that the proposed development would have an adverse impact to the local townscape character and distinctiveness of the area

10.28. The proposed development also had relatively positive feedback from the design review panel regarding its height, massing, and scale of the proposed development on a site of this size. The proposed development comprises a "U" shaped building and would cover approximately 30% of the plot. Given the size of the application site, it is considered that the proposed building is acceptable in terms of scale and massing.

Layout

10.29. The proposed "U" shaped building comprises a south-facing courtyard. To the eastern boundary of the site, the proposal is set back from Gringer Hill to be in line with the existing building line. The main access and parking area and the building's primary frontage are from Gringer Hill. To the north of the site, the existing green space will be retained as a communal amenity space for future occupants. It will also act as a green buffer between the proposed building and the existing properties to the north.

10.30. The separation distance between the proposed block and existing properties to the north is between 13 metres and 17 metres. The Council's Borough Wide Design Guide sets out that the rule of thumb from the flank wall to the rear of dwellings is 15 metres. Though the separation distance is slightly below 15 metres, it is considered that the existing trees along the northern boundary will be retained, and they would provide screening to the existing properties. To maintain an adequate separation distance between the proposed building and the existing

properties to the north, the proposed building is relatively close to the southern boundary of the site. The majority of the proposed building does maintain a minimum of 2 metres from the boundary of the site, apart from the section of the proposed building towards Gringer Hill. Given that the existing office complex is set back by approximately 3.6 metres from the boundary, it is considered that the footprint of the building and its juxtaposition with the office building is acceptable in this case.

- 10.31. Concerns have been raised in representations received regarding the proximity to properties along Hargrave Road. The proposed building would be set back between 28 metres and 32 metres from the properties to the west along Hargrave Road. According to the Council's Borough Wide Design Guide, the rule of thumb for residential development above 2 storeys in such cases is at least 15 metres. Therefore, it is considered to be acceptable in this case.
- 10.32. Concerns have also been raised in representations over the inadequacy of the proposed amenity space for future occupants. The Council's Borough Wide Design Guide sets out that flatted developments will be expected to provide high-quality private outdoor amenity space for each unit. It is considered that all proposed ground floor flats have access to their own private amenity spaces and balconies are provided for all flats above. Communal outdoor space is also provided for future occupants. It is considered that there is adequate private and communal amenity space proposed for future occupants.

Internal Layout

- 10.33. All proposed units are considered to meet the minimum requirement of gross internal floor areas as set out in the nationally described space standard. 30 out of 44 units (i.e., approximately 68%) would benefit from being dual aspect, which is in line with the design review panel's comments that an increased proportion of units were required to be the dual aspect to raise the quality of the internal layouts and reduce overheating. Projecting bay windows are proposed for 4 units on the ground floor and the first floor which only have a single external wall and none of the single aspect units would have only a northerly aspect.
- 10.34. This application is accompanied by a daylight and sunlight report, which has been conducted by eb7, on behalf of the applicant. The Average Daylight Factor (ADF) test is used in this case. The assessment shows that 97% of the habitable rooms (i.e., 120 out of 124 rooms) would meet or go beyond the British Standard guidance criteria on daylight (a minimum of 1.5% ADF target). 4 habitable rooms fall below the target level as they are located beneath external balconies. The assessment summarises that the proposal is acceptable as the use of outdoor amenity space will offset the reduced level of daylight. It is considered that the majority of habitable rooms can meet the guidance criteria on daylight and the number that marginally fall below the standard is limited.
- 10.35. In terms of sunlight, the Annual Probable Sunlight Hours (APSH) test is used in this case. The British Standard guidance sets out that new buildings should achieve at least 25% of annual sunlight hours, with 5% during the winter period. The assessment sets out that 67% of the main living rooms (31 out of 46) achieve the recommended levels. 15 living rooms are below the recommended level as they have north-facing windows and the majority are located beneath external balconies. However, the levels of sunlight provided are consistent with the guidance in general. It is considered that the assessment is only for living rooms and other habitable rooms such as bedrooms and kitchens would still receive a certain level of sunlight. Therefore, it is considered that the proposed development would be acceptable in this regard.
- 10.36. The proposal also includes several communal facilities, including a guest suite on the third floor, a club room and an owner's lounge on the ground floor. It is considered that those proposed communal facilities would provide some internal communal amenity spaces for future occupants and visitors. Windows have been added and the entrance will be a draught lobby design. These features will allow natural light and views for future occupants.

Summary

- 10.37. Policy QP3 of the Borough Local Plan sets out that all development should seek to achieve a high-quality design that improves the character and quality of an area. The application site is with the “Industrial and Commercial Estates” Character but it is surrounded by the area 8D Belmont Road – Gringer Hill with the “Inter-war Suburbs” Character. Given that there are two distinct characters between Hargrave Road and Gringer Hill, the proposal has attempted to respond to this transitory character. It is considered that the proposal has positively responded to the character of the surrounding area and integrated specific features of the area into its design, such as the use of bay windows and a gabled front elevation.
- 10.38. Positive feedback was received from the design review panel regarding the height, scale, and massing of the proposed building. In order to maintain an adequate separation distance to the properties to the north, the proposed building is relatively close to the southern boundary. However, it is considered that a reasonable separation distance is maintained between the proposed building block and the existing office complex. The proposed building also maintains an adequate separation distance from the existing properties along Hargrave Road and Gringer Hill. The majority of the habitable rooms can meet the guidance criteria in terms of daylight and sunlight. The proposal also seeks to respond to some of the comments raised by the panel regarding the internal layout, including the dual aspect units and the communal facilities. As such, the proposal is considered to be acceptable in terms of design and character

vi) Impact on Neighbouring Amenity

- 10.39. Policy QP3 of the Borough Local Plan sets out that new development should have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 10.40. Concerns have been raised in representations received over potential overshadowing from the proposed tall buildings. The Vertical Sky Component (VSC) and the No-Sky Line (NSL) tests are used within the submitted sunlight and daylight report. The assessment has considered 12 neighbouring residential properties along Hargrave Road and Gringer Hill with windows overlooking the proposed development. Section 8.2 of the assessment sets out that the result of the VSC and NSC assessments have shown that all 12 neighbouring habitable windows and rooms would retain high levels of daylight with the proposal in place and results are generally better than the targets outlined in the British Standard guidance. Main living rooms of neighbouring properties which are relevant to conduct an APSH assessment for sunlight, will retain high levels of sunlight and the results exceed the guidance standard. Therefore, it is not considered that the proposal would have any material impact in this regard on neighbouring properties and is in accord with Policy QP3 in this regard.
- 10.41. Concerns have also been raised over the impact on privacy and overlooking from the proposed balconies. The separation distance between the proposed block and existing properties to the north is between 13 metres and 17 metres. The Council’s Borough Wide Design Guide sets out that the rule of thumb from flank wall to the rear of an existing dwelling is 15 metres. Though the separation distance is slightly below 15 metres, it is considered that the existing trees along the northern boundary will be retained, and they would provide screening to the existing properties. The separation distance between the proposed block and the properties along Hargrave Road is between 28 metres and 32 metres, which is well beyond the required distance of 15 metres (front to front across the street) set out in the Design Guide. The separation distance between the proposed block and the properties along Gringer Hill is approximately 40 metres and again it is well beyond the required distance of 15 metres set out in the Design Guide.
- 10.42. Therefore, it is not considered that the proposals would have a detrimental impact on neighbouring amenity.

vii) Highways and Parking

10.43. Paragraph 112 of the NPPF sets out that development proposals should give priority first to pedestrian and cycle movements and second – so far as possible – to facilitating high-quality public transport. Policy IF2 of the Borough Local Plan sets out that new development should provide safe, convenient, and sustainable modes of transport.

Sustainable Modes of Transport

10.44. The application site is approximately 1 kilometre from Maidenhead Town Centre. The existing footpath network also provides access to Maidenhead Town Centre and nearby local services and facilities.

10.45. The site is also within walking/cycling distance of Furze Platt Station, which provides regular train services between Marlow and Maidenhead. Maidenhead Railway Station is approximately 1.3 kilometres from the site, and it provides direct train services to London, Reading and Oxford. The nearest bus stops to the site are approximately 200 metres to the north and south of the site access. There are good bus routes to the surrounding towns of Maidenhead, Windsor, High Wycombe, Slough, and Reading.

10.46. This application is accompanied by a travel plan framework, conducted by Bellamy Roberts, on behalf of the applicant. The framework sets out several measures to encourage sustainable modes of transport, including

- travel plan notice board,
- car-sharing opportunities,
- onsite cycle and buggy parking,
- local recruitment strategy,
- cycle to work scheme,
- provision of public transport information, and
- travel welcome pack.

10.47. A travel plan coordinator will also be appointed, as part of the travel plan framework, to encourage future residents to utilise sustainable modes of transport. The coordinator will be responsible to ensure the site achieves the travel plan targets and objectives. The coordinator will be funded by the applicant in this application. It is considered that the travel plan can be secured in a Section 106 Legal Agreement.

10.48. Overall, it is considered that the application site is within a sustainable and accessible location, and this allows future occupants an opportunity to use sustainable modes of transport.

Vehicle Movements

10.49. Policy IF2 of the Borough Local Plan sets out that new development shall be located to minimise the distance people travel and the number of vehicle trips generated. This application is accompanied by a transport statement, which summarises the vehicle movements of the proposed development as follows:

	Vehicle movements
AM Peak (0800-0900)	7 vehicles per hour – 2 way
Actual Peak (1000-1100)	14 vehicles per hour – 2 way
PM Peak (1700-1800)	6 vehicles per hour – 2 way
Daily	109 vehicles – 2 way

10.50. The transport statement also sets out that a travel plan framework has been provided to support this application and it aims to encourage residents to use sustainable modes of transport, such as public transport, cycling or walking.

10.51. Concerns have been raised in representations that the application that will worsen the existing highways and parking issues along Hargrave Road and Gringer Hill. However, it is considered that the level of traffic likely to be generated by the proposed development would not have a material impact on the existing highway networks. As is noted in this report below, the proposed on-site car parking provision is considered to be acceptable.

Services and Access

10.52. The proposed development is for 44 sheltering housing units and associated communal facilities to the site. A new access is proposed to allow the scheme to be accessed from Gringer Hill. The proposed access will provide a bellmouth with visibility splays of 2.4 x 43 metres. Further details related to the SWEPT Path Analysis have been provided in this application and it shows that the new access can achieve two-way manoeuvres across the site entrance.

10.53. Concerns have been raised in representations over highway safety. The Highways Authority has been consulted and no objection relating to highway safety has been raised. The proposed access and visibility splays shall be provided prior to the occupation of the development to ensure highway safety. It is considered that this can be secured by condition.

10.54. Servicing of the development will take place from the new access to Gringer Hill with the bins being stored to the north of the parking area. It is considered that the development would provide sufficient space for a 10.98 metres refuse collection vehicle and a 7.7 metres fire tender to enter, turn and leave the site in a forward gear.

10.55. The proposal also comprises pedestrian access onto Hargrave Road. Concerns have been raised in representations that the access onto Hargrave Road would result in additional parking pressures on the Road. However, it is notes that the access is to be used for maintenance and emergency use only and will be gated with a coded access provision.

Parking

10.56. Policy IF2 of the Borough Local Plan sets out that new developments should provide vehicle and cycle parking in accordance with the parking standards in the 2004 Parking Strategy (prior to the adoption of the Parking SPD). Consideration will be given to the accessibility of the site and any potential impacts associated with overspill parking in the local area.

10.57. According to the Parking Strategy, the site does not fall within an area of good accessibility as it just falls outside the 800 metres threshold (i.e., 821 metres) and the nearest train station, which is Furze Platt Station, only provides an hourly train service. Therefore, the parking standards (area of poor accessibility) should be adopted in this case and 44 parking spaces should be provided (i.e., 1 space per unit). The following table summarises the maximum parking standard for C3 Active elderly with warden control (sheltered housing) set out in the 2004 Parking Strategy:

Use Class	Maximum Parking Standard (Areas of Poor Accessibility)	Maximum Parking Standard (Areas of Good Accessibility)
C3 Active elderly with warden control (sheltered housing)	1 space per unit	0.5 space per unit

10.58. Concerns have been raised in representations regarding whether the proposed development would exacerbate the existing overparking issue along Hargrave Road and Gringer Hill and whether there are adequate parking spaces including visitor parking in this application. It is considered that the parking standard set out in the 2004 Parking Strategy does not have a specific parking standard for visitor parking.

- 10.59. The proposed development is seeking to introduce 32 parking spaces, which would have 20% active and 80% passive electric vehicle charging points. 3 spaces will be designated as accessible parking bays and 8 parking spaces will be located in the undercroft of the proposed building. The proposal also comprises an internal area to allow 4 buggy spaces and 4 cycle spaces. Additional information has been provided by the applicant that independent research sets out that an average car parking demand for sheltered accommodation is less than 0.5 spaces per unit.
- 10.60. The proposed parking arrangement represents 73% of the maximum parking standard (areas of poor accessibility). However, the proposed parking arrangement would be over the requirement of the maximum parking standard if applying the standard for areas of good accessibility. It is considered that a pragmatic approach should be adopted when assessing the parking levels for this site given the overall sustainability of the location. The Highways Authority has raised no objection to the proposed parking arrangement and given the sustainable location of the application site, the car parking provision is considered to be acceptable in this case.
- 10.61. The Council's Interim Sustainability Position Statement sets out that at least 20% of parking spaces should be provided with active electric vehicle charging facilities and 80% of parking spaces should be provided with passive provision. This application is accompanied by a planning stage sustainability statement. The statement sets out that electric vehicle charging facilities will be allowed for all parking spaces with 20% active and 80% passive outlets. Given that 32 parking spaces will be provided, 6.4 (round up to 7) active electric vehicle charging facilities are required. Based on the submitted site layout, 7 electric vehicle charging facilities will be provided.
- 10.62. The 2004 Parking Strategy does not have a specific requirement for residential parking standards for cycles and buggies. Paragraph 9.7.3 of the Strategy sets out that with certain forms of residential development, cycle parking provision may be required. In a block of flats, a proportion of secure cycle parking will be required and will be calculated on a case-specific basis. A proportion of secure motorcycle parking may also be required in the case of larger residential developments.
- 10.63. The site is located within a sustainable location with convenient cycle access to a variety of destinations. The proposed development is providing 4 cycle parking spaces and 4 buggy spaces. Given the sustainable location of the application site and the specific characteristics of future occupants, it is considered that more cycle and buggy parking spaces should be provided to meet the specific need of future residents and to encourage future occupants to cycle as a sustainable mode of transport. Such details can be secured by a planning condition.

Summary

- 10.64. Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.65. The application site is within a sustainable and accessible location. It is also within reasonable walking/cycling distance to local services, facilities, local bus stops and railway stations. The submitted travel plan sets out several measures to encourage future residents to use sustainable modes of transport. The overall parking arrangement is considered to be acceptable. The proposed access arrangement is also considered to be acceptable. Though further details related to cycle parking, and electric charging vehicle facilities are required, it is considered that such details can be secured by planning conditions.

viii) Waste Management

- 10.66. The Council has published a Waste Management Planning Advice Note. It sets out that all new developments of one or more dwellings shall be designed to accommodate refuse and recycling bins and containers in a way that readily facilitates the collections without the storage facilities causing harm to visual amenity or the amenity of residents (both neighbouring residents and future occupiers of the development). The Advice Note also sets out a requirement for waste

storage. The allocation of capacity per property for a communal flat is 95L per bedroom + 30L per dwelling and this would then be split into recycling (55%), refuse (40%) and food (5%).

- 10.67. The submitted Design and Access Statement sets out that the proposed bin store will be sized to accommodate 5 x 1100L recycling bins, 3 x 1100L and 1 x 240L refuse bins and 2 x 240L food waste bins.

	RBWM Guidance	Proposed Waste Capacity
Recycling (55%)	4,749L	5,500L
Refuse (40%)	3,454L	3,540L
Food (5%)	432L	480L
Total	8,635L	9,520L

- 10.68. The table above shows that the proposed waste arrangement is above the Council's requirements in this application.

ix) Tree and Landscaping

- 10.69. Paragraph 131 of the NPPF sets out the importance of trees which contribute to the character and quality of urban environments and also help mitigate and adapt to climate change. Policy NR3 of the Borough Local Plan also sets out that development proposals should protect and retain trees and hedgerows, provide mitigation measures if harm to trees or hedgerows is unavoidable and plant new trees and hedgerows and extend existing coverage where possible.

- 10.70. Concerns have been raised in representations over the impacts on the trees along Hargrave Road which are subject to a TPO. Some of the existing trees at the application site are also subject to a TPO including several trees along the western boundary (i.e., along Hargrave Road) and some of the trees along the northern boundary.

- 10.71. This application was accompanied by an arboricultural assessment & method statement and a tree protection plan. This statement confirms that none of the trees to be removed is subject to a TPO. The proposed works in this application would result in some disturbance to existing trees and encroachment into their root protection areas (RPAs), including the installation of external terrace areas along the western boundary, the installation of pedestrian gravel footpaths along the western and northern boundaries of the site, and the proposed parking area. However, the statement sets out that the RPAs of those existing trees will not be significantly affected if the protection measures identified in the method statement are implemented. It is considered that a construction method statement should be provided which can be secured by a planning condition.

- 10.72. The statement also identifies that new tree planting will be introduced to the site. Further details should be provided to ensure that the species and location of any new planting are appropriate and that the existing trees and hedgerows will not be adversely affected. A detailed landscaping plan can also be secured by a planning condition.

x) Ecology and Biodiversity

- 10.73. The application site lies within 5 kilometres of several designated sites including Chilterns Beechwoods Special Area of Conservation (SAC) and Bisham Woods Site of Special Scientific Interest (SSSI). Natural England has been consulted but they conclude that the application is not likely to result in significant impacts on statutory designated nature conservation sites and so no further assessment is required.

- 10.74. The site is also within 2 kilometres of several Local Wildlife Sites. However, it is not considered that the application will have an adverse impact on those locally designated sites given the distance of these Local Wildlife Sites to the application site and the built-up areas that intervene. The application site comprises a fenced-off tennis court and a grassed area surrounded by a mix of mature and young trees, with hedgerows on the eastern and western boundaries of the application site.

- 10.75. The application was accompanied by an ecological appraisal. It is considered that the majority of the hedgerows and trees are to be retained and those trees or hedgerows to be removed will be replaced by native species. Though the removal of deadwood and stubs on one of the trees is required, the tree is categorised as having low bat potential for a bat roost.
- 10.76. There was no evidence of any badger or hedgehog activity and the site did not have the potential to support great crested newts. Three trees show some bat roosting potential along the western and northern boundaries of the site. All of those trees are to be retained and therefore no further survey is recommended. A small area of rough grassland at the site had the potential to support reptiles. The trees and hedgerows also had the potential to support commuting and foraging bats and nesting birds. Avoidance and mitigation measures to ensure these species are not harmed during and following development have been suggested by the applicant's ecological consultant and it is considered that those measures can be secured by a planning condition.
- 10.77. The Ecological Officer also sets out that bats and other wildlife are likely to forage and commute around and across the site. Therefore, it is considered that any new external lighting to be installed as part of the development should not adversely affect the wildlife including bats and other species. It is considered that such details can be secured by a planning condition.
- 10.78. Both Paragraph 174 of the NPPF and Policy NR2 of the Borough Local Plan set out that development proposals should demonstrate a net gain in biodiversity. A Biodiversity Net Gain (BNG) calculation has been provided to support this application. The site is now providing an 8.23% net gain in habitat units and a 21.16% gain in hedgerow units. Additionally, several other enhancement measures will also be provided including the installation of bird and bat boxes and the creation of hedgehog hibernacula. It is considered that such enhancement measures can be secured by a planning condition.

xi) Environmental Health

- 10.79. Policy EP1 of the Borough Local Plan sets out that new development will only be supported where it would not have an unacceptable effect on environmental quality both during the construction phase or when completed. Details of remedial or preventative measures and any supporting environmental assessments will be required and will be secured by planning conditions to ensure that the development will be acceptable.

Noise

- 10.80. Policy EP4 of the Borough Local Plan sets out that new development should consider the noise and quality of life impact on occupants of existing nearby properties and the intended new occupiers. Development proposals will need to demonstrate that they will meet the internal noise standards for noise-sensitive developments as set out in the Policy.
- 10.81. This application was accompanied by a Noise Impact Assessment. The following table shows the noise survey results and the Council's internal noise standard set out in Policy EP4:

	BLP Policy EP4 Noise Level	Predicted Internal Noise Level with Windows open
Daytime (0700 – 1100) Not exceed an average noise level (LAeq)	35 dB(A)	43 dB (A) – eastern façade 36 dB(A) – eastern facade
Night-time (2300 – 0700) Not exceed an average noise level (LAeq)	30 dB(A)	35 dB(A) – western façade 27 dB(A) – western façade

- 10.82. Section 4.2 of the assessment sets out that double glazing and standard trickle ventilators are recommended for all habitable rooms to achieve the internal noise standards. Section 4.4. continues to set out that the majority of the site would experience noise levels less than the limit. Close-board garden fencing and screening attenuation provided by the proposed development would also be expected to provide further attenuation of at least 5dB in the locations of the proposed designated amenity gardens.
- 10.83. Though the predicted noise level of the proposed development exceeds the noise level set out in Policy EP4, it is considered that none of the predicted internal noise levels exceeds the maximum noise level (L_{Amax}) of 45dB(A) during the night-time or the average noise level (L_{Aeq}) of 55 dB(A) during the daytime. Furthermore, it is considered that the submitted noise impact assessment sets out a number of noise attenuation measures. Further details of those measures are required to ensure that there is a satisfactory level of amenity for all future residents. However, it is considered that such details can be secured by a planning condition.

Contaminated Land

- 10.84. Policy EP5 of the Borough Local Plan sets out that development proposals will be supported where they can demonstrate that adequate and effective remedial measures to remove the potential harm to human health and the environment are successfully mitigated.
- 10.85. The application site falls within a source protection zone for groundwater abstraction. This application was accompanied by a Tier Geo-environmental Assessment. The report sets out that two ground investigation assessments were conducted in 2007 and 2019. In the 2019 assessment, the Phase 1 assessment identified that the site was subject to unforeseen ground conditions and ground instability due to solution features in chalk. A Phase 2 geotechnical investigation was undertaken. The report recommended further investigation should be undertaken at proposed building footprints to determine appropriate foundation solutions once final layouts have been finalised.
- 10.86. The geo-environmental assessment report sets out that remediation and mitigation works are required for the development in relation to contamination. A remediation strategy should be prepared, and a verification report should be provided on completion.
- 10.87. The Environmental Protection Officer raised no objections to this application, but it is considered that a further remediation strategy and verification report shall be provided as suggested in the submitted geo-environmental assessment report. It is considered that such details can be secured by a planning condition.

xii) Flood Risk and Sustainable Drainage

- 10.88. The application site is within the Environment Agency Flood Zone 1, and it means that there is a less than 1 in 1,000 annual probability of river and sea flooding. A Flood Risk Assessment has been provided with this application and it summarises that there is a very low risk of surface water and groundwater flooding.
- 10.89. RBWM Lead Local Flood Authority has raised no objection to the proposed development subject to a condition securing a surface water drainage scheme. However, it is considered that such details can be secured by a planning condition.

xiii) Climate Change and Sustainability

- 10.90. The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resistance, and supporting renewable and low carbon energy and associated infrastructure. The Royal Borough of Windsor and Maidenhead declared a climate emergency in June 2019, and the Council intends to implement a national policy to ensure net-zero carbon emissions can be achieved by no later than 2050.

- 10.91. In December 2020, the Environment and Climate Strategy was adopted to set out how the Borough will address the climate emergency. These are material considerations in determining this application. The strategy sets a trajectory which seeks a 50% reduction in emissions by 2025.
- 10.92. While a Sustainability Supplementary Planning Document will be produced, the changes to national and local climate policy are material considerations that should be considered in the handling of planning applications and achievement of the trajectory in the Environment and Climate Strategy will require a swift response. The Council has adopted an Interim Sustainability Position Statement (ISPS) to clarify the Council's approach to these matters.
- 10.93. This application is accompanied by a planning stage sustainability statement. The sustainability measures set out in the Statement accord with the requirements of the Interim Sustainability Position Statement, including approximately 65% of the energy will be provided by heat pumps (renewable energy), electric vehicle charging will be available for all parking spaces with 20% active and 80% passive provision. As a whole, the development can achieve a 50% reduction in CO2 emissions based on the information provided and a formal confirmation from the applicant.
- 10.94. Whilst this would represent a considerable reduction in the potential CO2 emitted from the site, the proposal does not achieve net zero. As such, it is reasonable for the Local Planning Authority to achieve the remainder by Building Emissions and Lifestyle contributions. These contributions have been calculated and relayed to the applicant who understands this will form part of the subsequent legal agreement with other matters to be secured within the S106. Subject to the imposition of an appropriate condition to secure the energy efficiency measures set out in the sustainability statement, it is considered that the proposal would accord with adopted Policy SP2 of the Borough Local Plan 2013-2033.

xiv) Other Material Considerations

- 10.95. Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of sustainable development which is consistent with the overarching objectives of the Borough Local Plan. Paragraph 120(d) of the NPPF sets out that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.
- 10.96. Policy ED2 of the Borough Local Plan sets out that the application site is defined as a mixed-use area and an element of residential development may be acceptable subject to the overall quantum of employment floorspace within the mixed-use area as a whole not being reduced. The provision of such housing will provide specialist housing for elderly people, which is supported by the SHMA 2016 and also ensure the Borough can maintain its up-to-date five-year housing land supply.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1. In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable on the chargeable floor area at a rate of £122.96 per square metre (Indexation rate 2022).

12. PLANNING BALANCE AND CONCLUSION

- 12.1. The proposed development is seeking to provide 44 (C3 sheltering housing) market units, including 11 one-bedroom units and 33 two-bedroom units. The occupation of the proposed units will be restricted to those aged over 60.

- 12.2. The 2016 SHMA identifies that there is a need for this type of housing and this application can deliver an additional 44 sheltering housing units to address the need. This weighs in favour of this scheme. A viability review of the scheme has concluded that it cannot provide affordable housing. It is recommended that a further review is secured through a legal agreement to ensure that any contribution is made if this position changes.
- 12.3. The pre-application proposal was reviewed by an independent design review panel and positive feedback was received in general regarding the height, scale, and massing of the building. The current proposal has been revised to respond to the panel's feedback.
- 12.4. A Travel Plan is provided to support this application and it sets out several measures to promote sustainable modes of transport to future occupants. The Travel Plan will be secured by a legal agreement. This benefit can attract significant weight in favour of the application.
- 12.5. Ecological enhancement measures will be sought as part of this proposed development and the proposal can also achieve a net gain in biodiversity. This ecological benefit can attract significant weight in favour of the application.
- 12.6. Sustainability measures will be implemented as part of this proposed development. Though the proposal cannot achieve net-zero carbon, a carbon offset contribution will be secured by a legal agreement. This benefit can attract significant weight in favour of the application.
- 12.7. The proposal is considered acceptable in terms of highways and parking, waste management, tree and landscaping, ecology and biodiversity, flood risk and drainage, environmental health, and sustainability (subject to planning conditions). There are impacts on residential amenity in terms of daylight and single-aspect windows, but it is considered that the impacts are limited, and the overall scheme is considered to be acceptable in general.
- 12.8. For reasons set out above, the proposal is considered to be acceptable. Therefore, the Officer's recommendation is to approve subject to the resolution of the matters set out under Section 1 of this Report.

13. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The residential units within the buildings hereby approved shall be used solely for the designated purpose of providing self-contained independent living units of accommodation for the person or persons who, to acquire purchase or lease of any of the approved residential units, will have a minimum age of not less than 60 years old (or a spouse or partner living as part of a single household with such person or persons). The buildings shall not be used or occupied for any other purpose, including an equivalent provision in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any subsequent or equivalent provision, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). No permitted changes of use shall occur unless the express permission of the Local Planning Authority has been obtained.
Reason: In the interest of proper planning and to ensure a satisfactory living environment for occupiers
- 3 Prior to the occupation of the development hereby permitted, a scheme showing how 8 units shall be designed so that they are capable of being adapted to meet the wheelchair-accessible standard in Building Regulation M4(3) shall be submitted and approved by the Local Planning Authority, the scheme should include: Technical drawings of each unit showing how the units can be converted to meet the wheelchair-accessible standard in Building Regulation

M4(3);o Details of measures and plans which will be in place to ensure the relevant adaptations can be implemented in a timely fashion in line with the needs of prospective or existing occupiers. The units which are capable of being adapted to meet the wheelchair-accessible standard in Building Regulation M4(3) shall be maintained in accordance with the approved details thereafter.

Reason: The scheme is to provide specialist housing for older people, and it is necessary to ensure that the proposed units are capable of being adapted to accommodate the need of future occupants who are wheelchair users. Relevant Policy - Policy HO2 of the Borough Local Plan 2013-2033.

4 Prior to the occupation of the development hereby permitted, visibility splays shall be provided in accordance with the approved Drawing Ref. 5635/001 (Rev. C) Access Visibility dated 01 November 2021. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Policies QP3 and IF2 of the Borough Local Plan 2013-2033.

5 Prior to the occupation of the development hereby permitted, the access shall be constructed in accordance with the approved drawings. The access shall thereafter be retained.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Policies QP3 and IF2 of the Borough Local Plan 2013-2033.

6 Prior to the occupation of the development hereby permitted, vehicle parking spaces shall be provided in accordance with the approved Drawing Ref. 1877-UBU-XX-00-DR-L-0100 (Rev. P03) General Arrangement Plan received on 23 June 2022. The space approved shall be retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Policies QP3 and IF2 of the Borough Local Plan 2013-2033.

7 Prior to the occupation of the development hereby permitted, details of the covered and secure cycle parking facilities shall be submitted to and approved by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Borough Local Plan QP3 and IF2.

8 Prior to the occupation of the development hereby permitted, the electric vehicle charging facilities shall be provided in accordance with the approved Drawing Ref. 1877-UBU-XX-00-DR-L-0100 (Rev. P03) General Arrangement Plan. The electric vehicle charging points shall be maintained in accordance with the approved details thereafter.

Reason: To ensure that the development is provided with adequate electric vehicle charging facilities. Relevant Policies - Policy QP2 of the Borough Local Plan 2013-2033.

9 Prior to the occupation of the development hereby permitted, the refuse bin storage area and recycling facilities shall be provided in accordance with the approved drawings. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Policies IF2 and QP3 of the Borough Local Plan 2013-2033.

10 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees are shown to be retained on the approved plan which is set out in the approved Arboricultural appraisal and method statement for land at Gringer Hill and Hargrave Road, Maidenhead (Ref: 211118-AA2-CA) dated 12 November 2021, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To protect trees that contribute to the visual amenities of the site and surrounding area. Relevant Policies - Policies QP3 and NR3 of the Borough Local Plan 2013-2033.

- 11 Prior to the commencement of the development above slab level hereby permitted, a landscaping plan showing details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted, or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Policies QP3 and NR3 of the Borough Local Plan 2013-2033.
- 12 Prior to the commencement of the development hereby permitted, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following. a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on the retained habitats and protected and priority species during construction (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on-site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the National Planning Policy Framework.
- 13 Prior to the commencement of the development above slab level, details of the external lighting scheme and how this will not adversely impact wildlife shall be submitted to and approved in writing by the Local Planning Authority. The report (if external lighting is proposed) shall include the following figures and appendices: A layout plan with beam orientation o A schedule of equipment o Measures to avoid glare o An Isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and positions of bird and bat boxes. The approved lighting plan shall thereafter be implemented as agreed.
Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with Paragraph 180 of the National Planning Policy Framework.
- 14 Prior to the occupation of the development hereby permitted, details of biodiversity enhancements, to include but not be limited to the creation of hedgerows, wildflower grasslands, native species grasslands, scrub, green walls and vegetative gardens, the installation of bird and bat boxes, creation of loggeries and provision of gaps in any boundary fencing for wildlife to travel across the site, shall be submitted to and approved in writing by the council. A brief letter report confirming that the biodiversity enhancements have been installed, including a simple plan showing their location and photographs of the biodiversity enhancements, is to be submitted to and approved in writing by the Council.
Reason: To incorporate biodiversity in and around developments in accordance with Paragraph 175 of the National Planning Policy Framework.
- 15 Prior to the occupation of the development hereby permitted, details of noise attenuation measures set out in the approved Noise Impact Assessment (R/NIA/1/211029) dated 29 October 2021 shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation and retained.
Reason: To ensure a satisfactory level of amenity for all future residents of the development. Relevant Policies - Policies QP3, EP1 and EP4 of the Borough Local Plan 2013-2033.
- 16 Unless otherwise agreed by the Local Planning Authority in writing, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections 1 to 4 of this condition has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.1.

Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, and whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include a survey of the extent, scale, and nature of contamination. as assessment of the potential risks to: o human health property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments: an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.2.

Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.3.

Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks' written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/ validation report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.4.

Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified, work must stop, and it must be reported immediately by telephone and in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3. IF REQUIRED:5. **Long-Term Monitoring and Maintenance** A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the required period and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors. Relevant Policies - Policies EP1 and EP5 of the Borough Local Plan 2013-2033.

- 17 Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details. Supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems, the agreed discharge rate of 3 l/s and the attenuation volumes to be provided. Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere. Relevant Policy - Policy NR1 of the Borough Local Plan 2013-2033.

18 The development shall be carried out in accordance with the sustainability measures set out in the approved Planning Stage Sustainability Statement (Issue 5) dated 28 April 2022.

Reason: To provide sustainability enhancement. Relevant Policy: Borough Local Plan SP2.

19 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

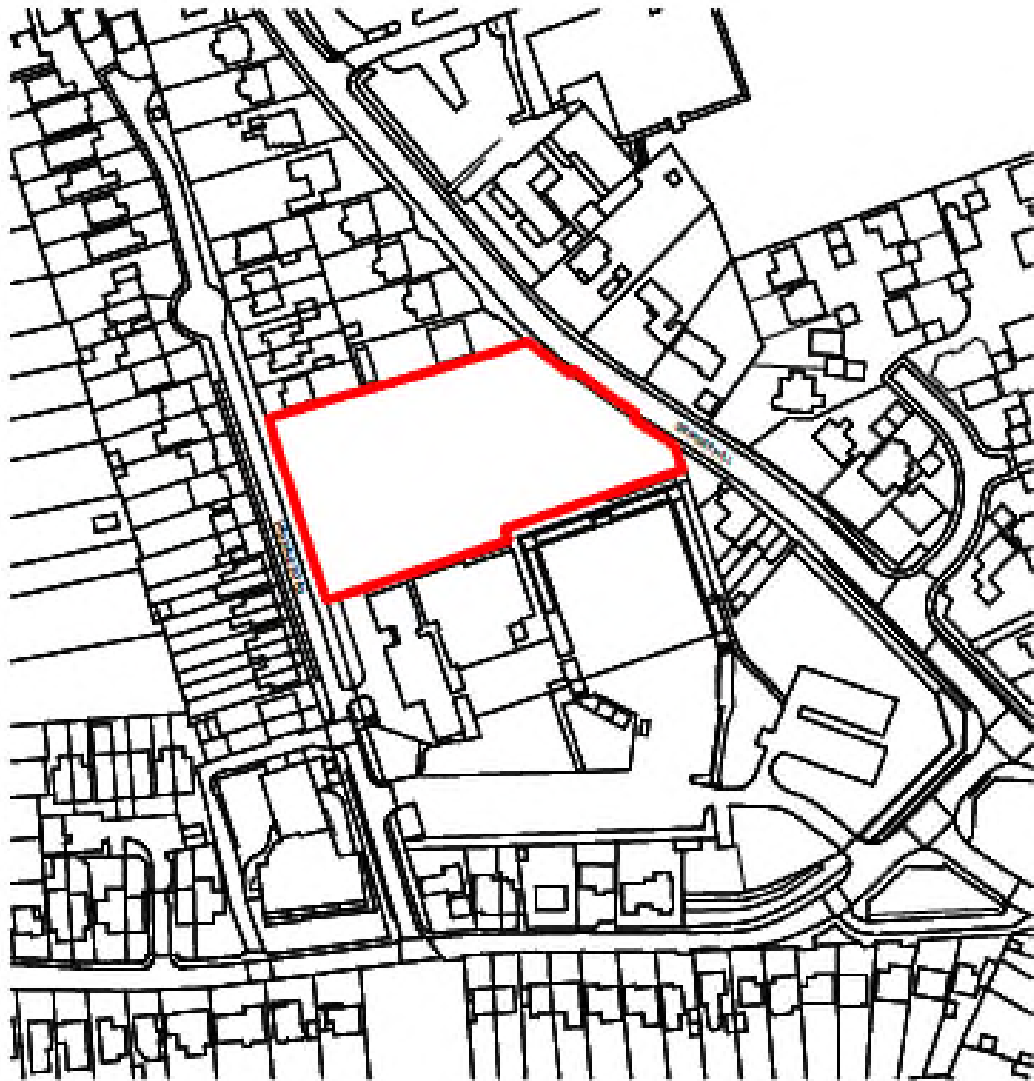
- 1 All birds, their nests, and eggs are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The vegetation and buildings on the site are likely to be used by nesting birds and any clearance should take place outside the bird nesting season (March-August inclusive) or areas to be cleared should first be checked for bird nests by an appropriately qualified person. If bird nests are found works that could disturb them must stop until any young have fledged the nest. If there is any doubt whether or not birds are nesting in the vegetation or buildings, expert ecological advice should be sought and clearance work should not be undertaken until after the end of the nesting season.
- 2 The Borough's Highway Manager at Royal Borough of Windsor & Maidenhead, Town Hall, St Ives Road, Maidenhead, SL6 1RF should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks' notice to obtain details of underground services on the applicant's behalf.
- 3 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8 am to 5 pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

21/03493/FULL - Land Between Gringer Hill And Hargrave Road, Maidenhead

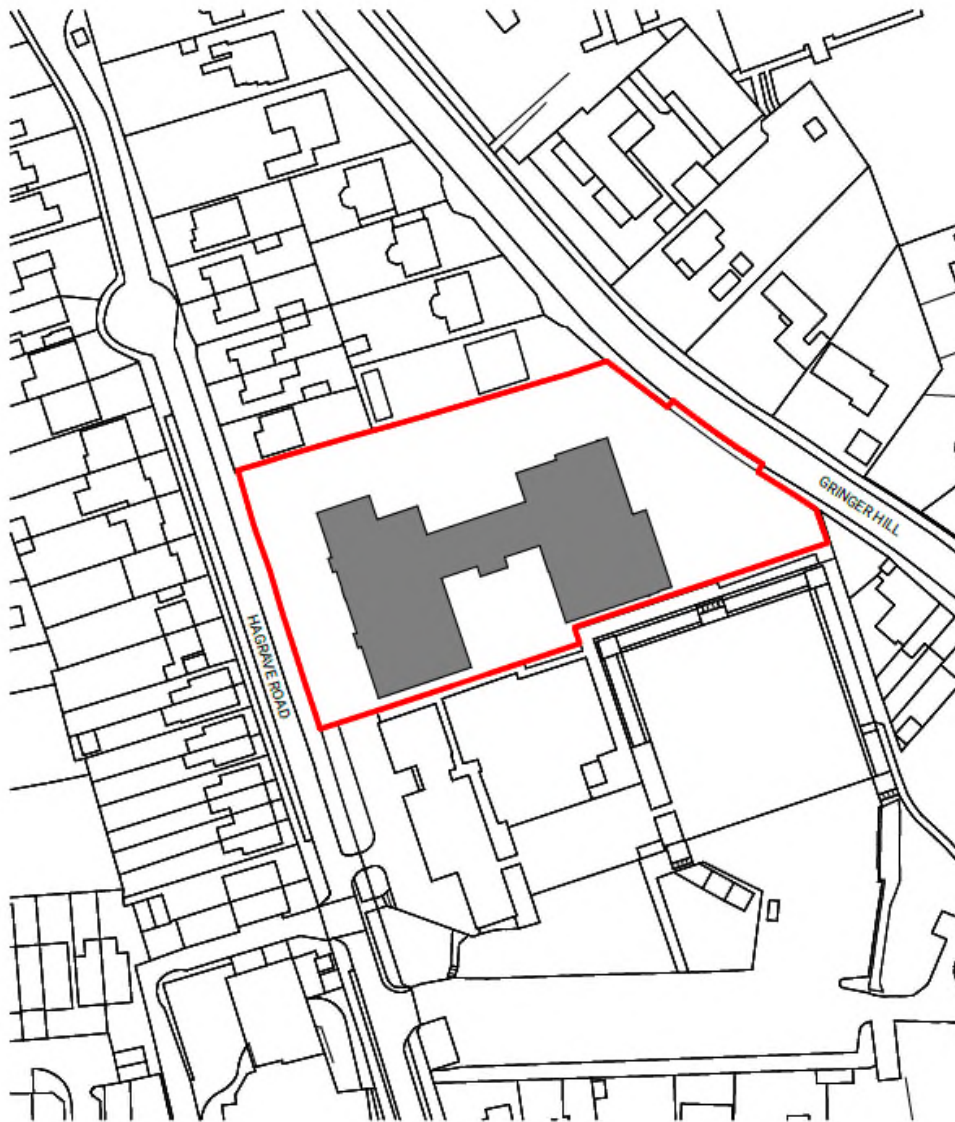
Appendices

Appendix A – Site Local Plan and Site Layout

Site Location Plan



Proposed Block Plan



General Arrangement Plan



Appendix B – Plan and Elevation Drawings

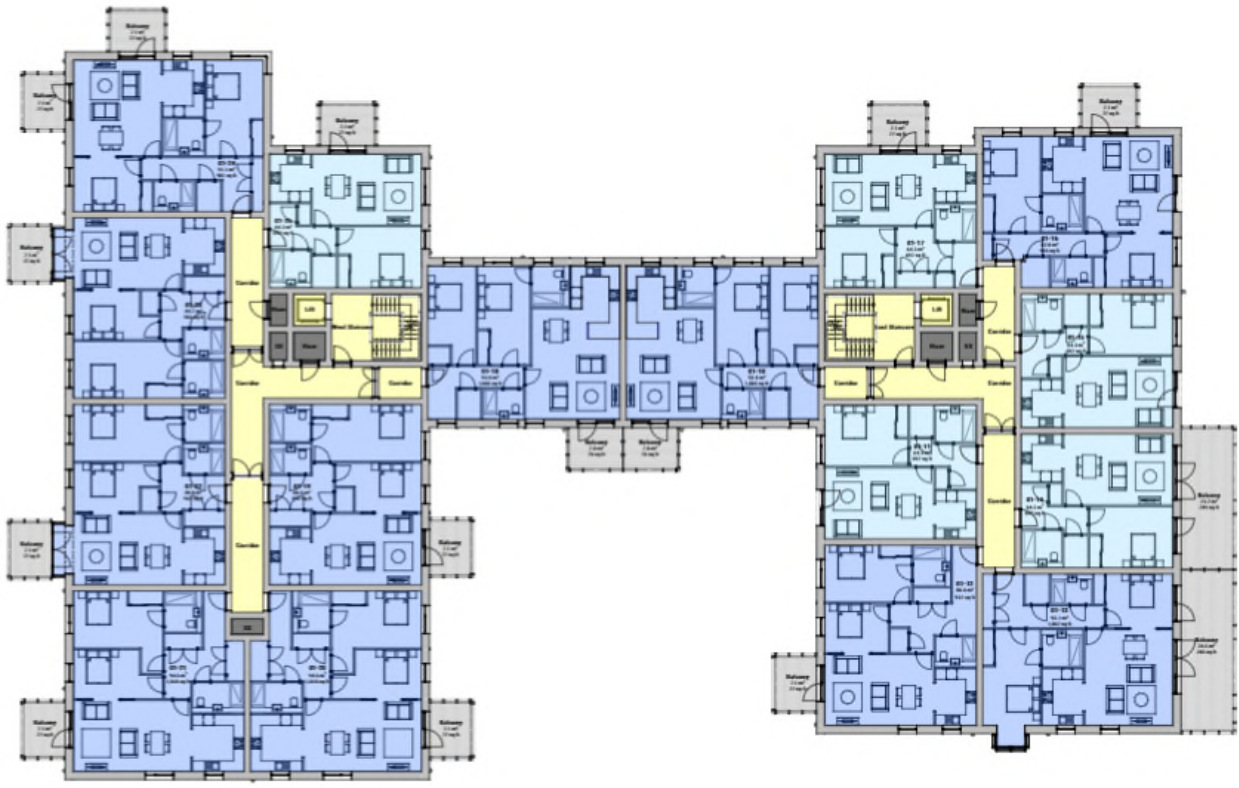
Proposed Ground Floor Plan



Proposed Site Plan – Ground Floor



Proposed First Floor Plan



Proposed Site Plan – First Floor



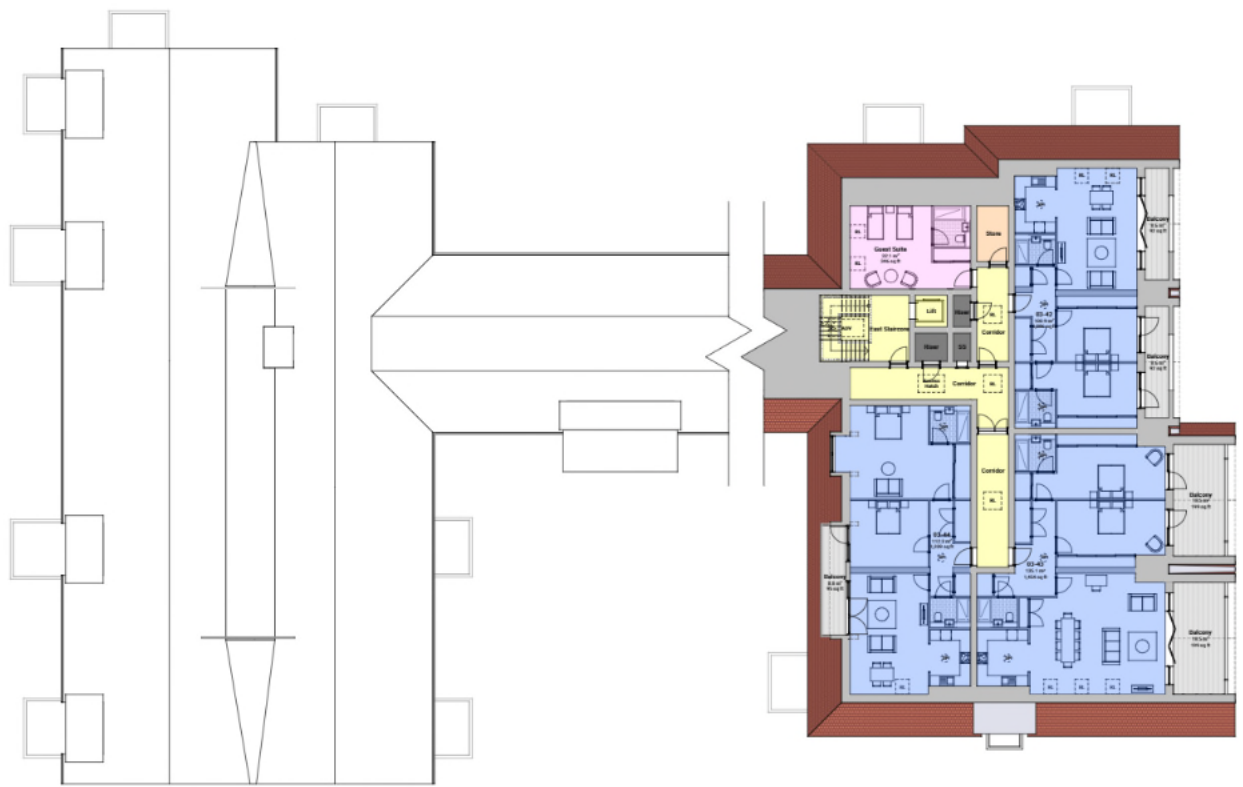
Proposed Second Floor Plan



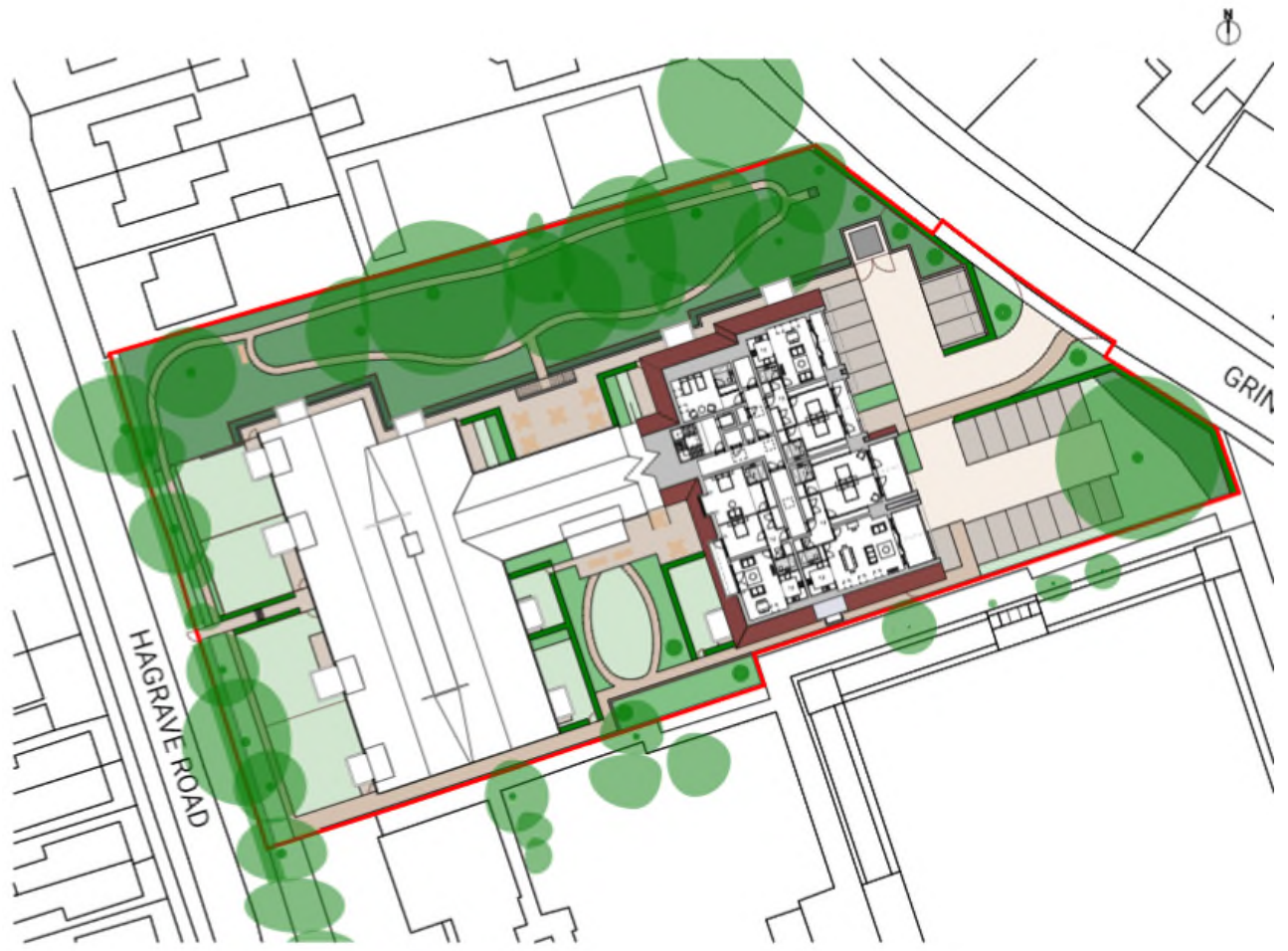
Proposed Site Plan - Second Floor



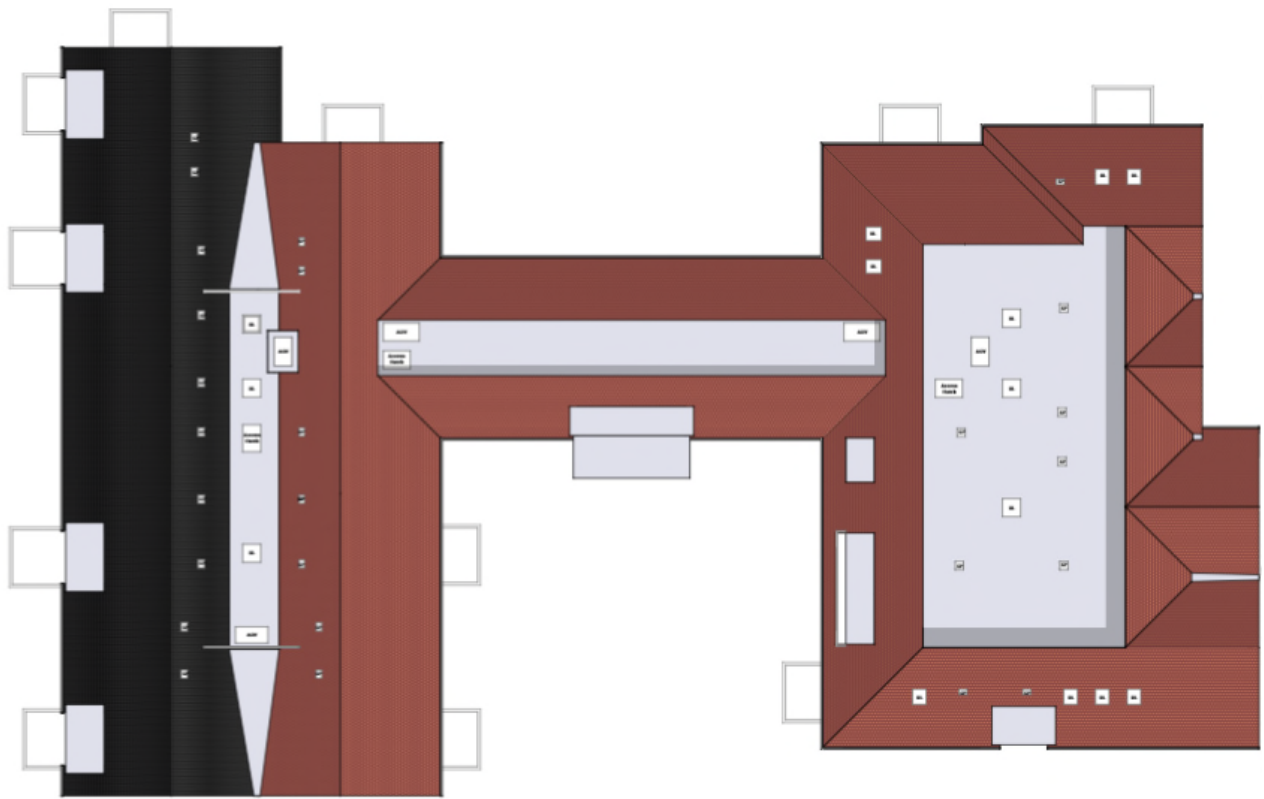
Proposed Third Floor Plan



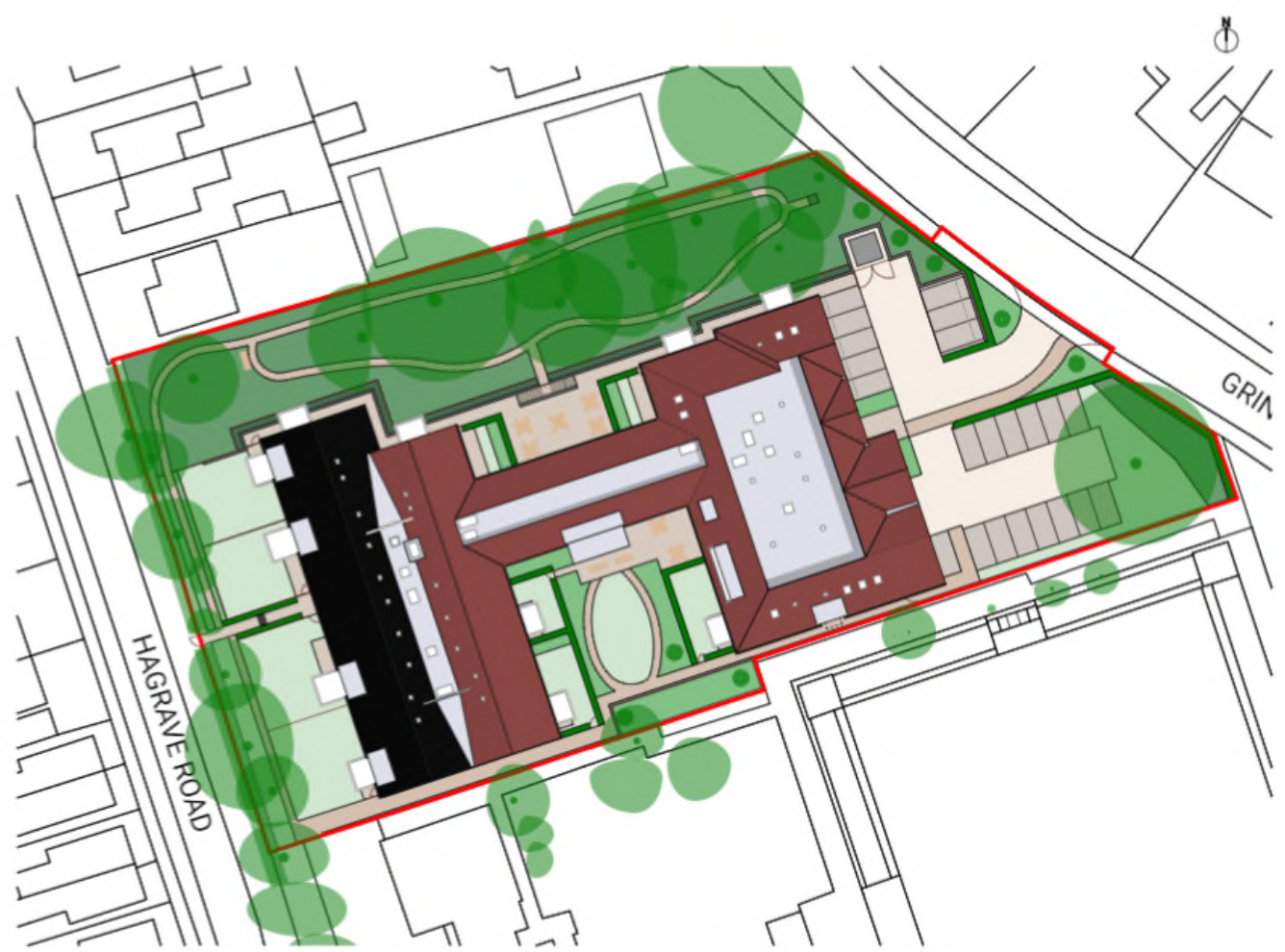
Proposed Site Plan – Third Floor



Proposed Roof Plan



Proposed Site Plan - Roof



Proposed East and West Elevations



01 East Elevation
Scale 1:100



02 West Elevation
Scale 1:100

Proposed North and South Elevations



03 South Elevation
Scale 1:100



04 North Elevation
Scale 1:100

Proposed East and West Courtyard Elevations



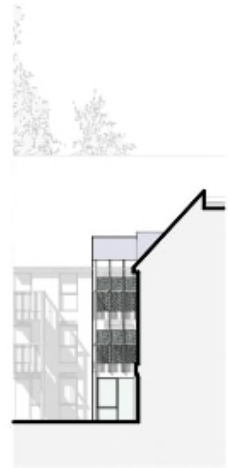
05 West Courtyard Elevation
Scale 1:100



06 West Balcony Elevation
Scale 1:100



07 East Courtyard Elevation
Scale 1:100



08 East Balcony Elevation
Scale 1:100

Proposed North and South Courtyard Elevations



09 South Courtyard
Elevation
Scale 1:100



10 North Courtyard
Elevation
Scale 1:100

Street Elevations

Gringer Hill



Hargrave Road



Site Sections



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Agenda Item 5

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 August 2022

Item: 2

Application No.:	22/00270/FULL
Location:	Bellman Hanger Shurlock Row Reading RG10 0PL
Proposal:	Erection of 12no. dwellings with associated parking and landscaping and the retention of the existing access road following the demolition of the existing buildings, warehouse, external storage areas and hardstanding.
Applicant:	Shanly Homes
Agent:	Mr Kevin Scott
Parish/Ward:	Waltham St Lawrence Parish/Hurley And Walthams
If you have a question about this report, please contact: Carlos Chikwamba on 01628796745 or at carlos.chikwamba@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal would have a greater impact on the openness of the Green Belt than the existing development. Accordingly, it is inappropriate development in the Green Belt. The applicant has not submitted any information on any other considerations that may clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm and therefore 'very special circumstances' do not exist to justify approving the application.
- 1.2 By reason of its siting, layout, scale and design, the proposal represents overdevelopment of the site resulting in an urban appearance that is unsympathetic to, and would detract from, the open and rural character and appearance of the area.
- 1.3 At the time of decision there is also no legal agreement in place to secure the provision of affordable housing nor the carbon offset contribution. The application therefore fails to comply with policies HO3 and SP2.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):	
1.	The proposal would have a greater impact on the openness of the Green Belt, in which it would be located, than the existing development on site. The applicant has failed to demonstrate that any other considerations would clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm, (as identified in the subsequent reasons), and therefore 'very special circumstances' do not exist to justify approving the application.
2.	The proposal, by reason of its siting, layout, scale, and design, represents overdevelopment of the site resulting in an urban appearance that is unsympathetic to, and would detract from, the open and rural character and appearance of the area.
3.	No legal agreement has been provided to secure the affordable housing provision and financial contribution. The proposal is therefore fails to provide the necessary affordable housing to meet the needs of the local area and is contrary to Policy HO3 of the Local Plan.
4.	No legal agreement has been provided to secure the carbon offset contribution for the scheme to offset the impact of the proposal. The proposal is therefore contrary to policy SP2 of the Borough Local Plan.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as it is a major application; such

decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Bellman Hanger is a 1940s, 2600sqm, metal clad warehouse originally used for storage in connection with the nearby airfield at White Waltham. It is now used as a permanent storage facility. The hanger is centrally positioned within the 0.72-hectare site and measures 39m wide by 54m long, with a height ranging from 6.1m at its lowest point to 8.1m at its peak. There are a number of other small buildings and structures as well as outside storage to the sides, front, and rear of the building. The site is bounded by mature trees to the north, east and south.
- 3.2 The application site is located on the east side of Shurlock Row. To the north, adjoining the site, is Crockford's Copse, a Local Wildlife Site and Ancient Woodland. To the east and south of the site are the land and buildings associated with the neighbouring farm, and to the west, on the opposite side of Shurlock Row, are open fields. The wider area around the site is predominantly open countryside with sporadic residential development.
- 3.3 The site is in the Green Belt and is in Flood Zone 1.

4. KEY CONSTRAINTS

- 4.1 The main planning constraints are associated with the site's rural location. Being in the Green Belt, the proposal will need to demonstrate that it would not have a greater impact on the openness of the Green Belt than the existing development on site. The application is also required to demonstrate that it would not harm any protected species or their habitats.
- 4.2 On previous applications the site has been considered to be in Flood Zone 3, where there is a high probability of flooding. However, the remodelled information highlights that the site is within Floodzone 1, this is further explained in Section 9.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application proposes the erection of 12 dwellings with associated parking and landscaping and the retention of the existing access road, following demolition of the existing warehouse and other outbuildings/structures, removal of hardstanding and external storage areas.
- 5.2 A mix of dwellings is proposed comprising of 9 x 4 bed and 3 x 3 bed family homes.
- 5.3 Planning History

Ref.	Description	Decision and Date
20/02462/FULL	Erection of 13 dwellings with associated parking and landscaping and the retention of the existing access road following the demolition of the existing buildings, warehouse, external storage areas and hardstanding.	Refused 18.06.2021
18/00724/CONDIT	Details required by condition 16 (contamination) of 14/03036.	Approved 15.06.2018.
17/03903/OUT	Outline application (access & layout) for construction of 18 dwellings with associated access, parking and turning.	Withdrawn 25.06.2020
17/03734/CONDIT	Details required for conditions 2, 3, 4, 11, 13 and 15 of 14/03036.	Approved 21.01.2018.
16/02861/OUT	Outline application, with the consideration of access and layout matters only, for 20 dwellings.	Withdrawn 25.05.2017
14/03036/FULL	Erection of 3 dwellings with associated access	Approved 16.03.2015

	and landscaping following demolition of the existing buildings and hardstanding.	
14/00350/FULL	Erection of 4 dwellings with associated access and landscaping following demolition of the existing buildings and hardstanding.	Refused 09.05.2014
12/01734/CLU	Certificate of Lawfulness to determine whether an existing external storage area is lawful	Approved 20.08.2012
12/00418/CLU	Certificate of Lawfulness to determine whether an existing external storage area is lawful.	Refused 11.04.2012
99/34780/VAR	Variation of Condition No. 1 of 429330 to allow permanent use of premises for storage purposes.	Approved 31.05.2000
98/33395/FULL	Demolition of existing warehouse and replacement with three detached houses and associated garages.	Withdrawn 16.06.1999
95/01606/TEMP	Storage use (renewal of permission 423475)	Approved 03.11.1995
95/01605/FULL	Demolition of existing warehouse and erection of 4 x five-bedroom houses and associated parking.	Refused 22.08.1997
95/01604/FULL	Demolition of existing warehouse building and yard and construction of three detached houses and detached double garages and access road.	Refused 20.03.1995
94/01499/FULL	Demolition of existing warehouse building and yard and construction of three detached houses and triple garages and access road.	Refused 30.08.1994
92/01315/OUT	Replacement of storage/ warehouse building with 5 detached houses	Refused 22.02.1993
92/01314/OUT	Erect five detached houses and double garages. Demolition of existing building.	Withdrawn 08.04.1992
92/01312/FULL	Permanent consent to utilise B8 building for storage purposes.	Refused 29.07.1992

6. DEVELOPMENT PLAN

Adopted Borough Local Plan (2022).

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Development in Rural Areas and Green Belt	QP5
Housing Mix and Type	HO2
Affordable Housing	HO3
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands, and Hedgerows	NR3

Issue	Neighbourhood Plan Policy
Sustainable development	Env 1
Climate change, flood and water management	Env 2
Quality design	Gen 2
Accessibility and highway safety	T1

7. Material Planning Policy Considerations

7.1 National Planning Policy Framework Sections (NPPF) (2021)

- Section 2 – Achieving sustainable development
- Section 4- Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 11 – Making effective use of land
- Section 12- Achieving well-designed places
- Section 13- Protecting Green Belt land
- Section 14- Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

7.2 Supplementary Planning Documents

- RBWM Borough Wide Design Guide
- Interim Sustainability Statement
- RBWM Corporate Strategy
- RBWM Environment and Climate Strategy

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

56 occupiers were notified directly of the application.

The application was advertised in the Local Press on 17th February 2022 and a site notice was erected on 28th of February 2022.

31 letters were received objecting to the application, summarised as:

Comment	Officer’s Response
<ul style="list-style-type: none"> -Insufficient infrastructure to support development’s dwellers -Local drainage will be burdened -Impact on viability of farm (buffer between farm and development required) -Farm odours, smells and noise 	<p>Noted and addressed in Section 9 of the report.</p>

<ul style="list-style-type: none"> -Road Access would be dangerous due to its location -Provision of affordable housing shouldn't mitigate development overall unacceptability -Adjacent to ancient woodland thus might cause overshadowing to properties -Harm to local wildlife and trees/hedgerow -Impact on character and appearance of area and overdevelopment of the site -Flood risk to the development site (Site in FZ3 and no FRA submitted) -Highway and pedestrian safety issues (inadequate access and visibility splays, increased traffic) -Inappropriate development in the Green Belt (outside recognised settlement) -No walking and cycling paths -Poor access to public transport -Impact on amenities of neighbouring properties (noise, light and vehicle movements) -Development conflicts with planning policies -Water contamination risk -Boundary fence objection and need of a 2-metre-high fence to avoid light spill -Lack of adequate amenity space and overshadowing issues 	
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In addition to the letters of objection, a petition has been submitted which states, "Stop Inappropriate development of Bellman Hanger. The application is excessive and inappropriate. It will have a greater impact on the openness of the Green Belt due to the scale of development and material increase in level of activity. This application should NOT be approved." There are 273 signatures on the petition. Ward Councillor, Cllr Johnson, has commented in support of the petition.

Consultee responses and Other groups

Summary of comments

Comment	Officer's Response
<p><i>Waltham St Lawrence & Shurlock Row Preservation Society;</i></p> <ul style="list-style-type: none"> -Shurlock Row is not a Road -No walking and cycling paths. -Trip generation will have an impact on highway safety. -Impact on Floodzone 3 and not FRA submitted -Impact on Green belt 	<p>The proposal's address as per the council's official records is deemed to be accurate.</p> <p>The highway considerations were already established within the previous scheme and this is further addressed in Section 9 of the report.</p> <p>The flooding and green belt considerations have also been addressed in Section 9 of the report.</p>

<p><i>CPRE The Countryside Charity – Berkshire;</i></p> <ul style="list-style-type: none"> -Detrimental impact on the Green Belt -Harm to the character of the area 	<p>Addressed in Section 9 of the report.</p>
<p><i>Parish Council;</i></p> <ul style="list-style-type: none"> -Several conditions recommended if scheme is to be approved -Overdevelopment of site -Site in Flood Zone 3 and No FRA submitted -Highway safety issues (Visibility splays) -Detrimental impact on the Green belt's openness -Poor transport links 	<p>Recommended conditions noted. Rest of the objections will be addressed in Section 9 of the report.</p>
<p><i>Environment Agency;</i></p> <p>Objects and recommends refusal on basis that site is within Flood Zone 3 and lack of a Flood Risk Assessment</p>	<p>Noted and addressed in Section 9 of the report.</p>
<p><i>Lead Local Flood Authority;</i></p> <p>No objection subject to surface water drainage strategy condition.</p>	<p>Noted and addressed in Section 9 of the report.</p>
<p><i>RBWM Ecologist;</i></p> <p>No objections subject to several conditions related to the protection of priority species and wildlife.</p>	<p>Noted and addressed in Section 9 of the report.</p>
<p><i>Environment protection;</i></p> <p>No objection subject to contaminated land condition.</p>	<p>Noted and addressed in Section 9 of the report.</p>

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development – whether the proposal is appropriate development in the Green Belt;
- ii Impact on the character and appearance of the area;
- iii Impact on the amenities of future occupiers of the development and neighbours;
- iv Highway safety and parking provision;
- v Ecology and Biodiversity;
- vi Trees;
- vii Flood risk;
- viii Affordable housing;
- ix Sustainability
- x Other considerations; and
- xi Planning Balance and Conclusion

The principle of development – whether the proposal is appropriate development in the Green Belt

- 9.2 The application site is located within the Green Belt and the NPPF (2021) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147). Paragraph 148 further states that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’”
- 9.3 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, with some exceptions. These include point g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 9.4 The development site is currently occupied by a warehouse and other smaller buildings/structures together with external storage areas, therefore it does comprise previously developed land and could be potentially assessed under both parts of Paragraph 149 (g) of the NPPF (2021). The applicant has provided 3 units of affordable housing in this instance, which represent 25% of the whole scheme. Policy HO3 of the Local Plan states that developments which propose 10 dwellings on all other sites besides greenfield sites should provide at least 30% of affordable housing. The proposal falls short of the units requirement by 5% (0.6 of a unit). The applicant proposes to make a financial contribution to make up for the shortfall in units. However, the financial contribution is not deemed to equate to the required units which would contribute to meeting an identified affordable housing need within the area of the local planning authority as required by Policy HO3. Therefore, for the purposes of the green belt assessment, the proposal cannot be assessed under the second part of Para 149 (g) of the NPPF (2021), contrary to what the submitted statement states under Paragraph 5.8, which is *‘This application requires a different test to be undertaken, Paragraph 149 (g) of the NPPF (2021) states that development contributing to an identified affordable housing need, on Previously Developed Land within the Green Belt, must be assessed as to whether it will cause substantial harm to the openness of the Green Belt’*.

- 9.5 Instead the application will be assessed under the first part of paragraph 149 (g), which allows for the redevelopment of previously developed land as long the proposed development would not have a greater impact on the openness of the Green Belt than the existing development. This was the same test used to determine the previously refused application ref; 20/02462. This application proposed the Erection of 13 no. dwellings with associated parking and landscaping and the retention of the existing access road following the demolition of the existing buildings, warehouse, external storage areas and hardstanding.
- 9.6 Within the above referenced scheme, it was concluded in Green Belt terms that the proposal, despite a reduction in hardstanding and built form and an increase in green space across the site, by virtue of the scheme's further spread beyond the footprint of the existing building and into undeveloped areas within the site, it would result in a greater impact on openness of the green belt than the existing development. The applicant contended that the green space would reduce the impact on openness greater than the existing hardstanding within the site. However, the hardstanding was deemed a ground level measurement which has little to no impact on the Green Belt.
- 9.7 Within their planning statement, the applicant contents that the LPA's assessment of the previous application; 20/02462 was deeply flawed as the assessment of the impact on openness was solely restricted to the whether or not the development fell within the existing building footprint. The appellant points to case law ref; John Turner v The Secretary of State for Communities and Local Government (C1/2015/3507), which they say states that 'the concept of openness of the Green Belt is not narrowly limited to the volumetric approach and the consideration of openness is more nuanced'. The full Paragraph 14 within that judgement reads;
- 'The concept of "openness of the Green Belt" is not narrowly limited to the volumetric approach. The word "openness" is open-textured, and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent factors will be how built up the Green Belt would be if the redevelopment occurs (in the context of which volumetric matters are be a material concern, but are by no means the only) and factors relevant to the visual impact on the aspect of openness which the Green Belt represents'*
- 9.8 The above judgement is in line with how the LPA assessed the previous scheme as the assessment went beyond the volumetric approach. Instead, as per the judgement the LPA considered other prominent factors including how built up the Green Belt is in this location and consideration of further encroachment into the site areas which did not have existing substantial built form, the proposal was deemed to have a greater impact on openness than the existing development. The assessment of openness has considered both the spatial and visual aspects.
- 9.10 In terms of the current proposal the number of dwellings are reduced from 12 to 13 and there will be slightly more green space within the site than previously proposed. There would still be a reduction of built form (volume, floorspace and footprint of the existing building). However, as before, the existing areas of hardstanding and some of the small single storey buildings dotted within the site, beyond the main warehouse building, (small single storey buildings and hardstanding being referenced are highlighted in blue and red within Figure 10 of the planning statement), are deemed to have little or no impact on the openness of the Green Belt.
- 9.11 The minimalistic reduction in dwellings would not substantially change the layout of the current development relative to application no. 20/02462; 6 of the 12 proposed dwellings (approximately 50% of the development) primarily fall outside the footprint of the main substantial warehouse building on site. Therefore, there is still an extensive level of encroachment of the development into an area that is characterised by hardstanding and small single storey elements which are deemed to have little or no impact on the openness to Green Belt. Overall, whilst there is a

reduction in built form, the term 'openness' essentially relates to the primary absence of built development with an assessment of openness based a development's spatial and visual impact. In this instance the reduction of built form is not considered to offset the visual and spatial harm of the development by virtue of its significant encroachment into an area of the site which currently lacks built development. This assessment by the LPA in relation to how built up the green belt would be, beyond the volumetrics, if the redevelopment occurs is deemed in accordance with within Paragraph 14 of case law; John Turner v The Secretary of State for Communities and Local Government (C1/2015/3507).

- 9.12 Within their planning statement, the applicant contends that the current commercial use (storage and vehicular movements and activity associated with a storage use) has a detrimental impact on the openness of the Green Belt by virtue of the intensification associated these operations. This is duly noted. However, the intensification associated with the operation of 12 residential dwellings, potentially individually occupied by several occupants, together with the daily vehicular movements associated with this use in an area of infrequent public transport services (thus more reliance on vehicles), is deemed to have a greater level of intensification of use than the current storage commercial use. Furthermore, the domestic paraphernalia associated with every dwelling will further increase the development's harm on openness.
- 9.13 Overall, based on the above, proposal would have a greater impact on the openness of the Green Belt than the existing development. Therefore, the proposal is not deemed to be appropriate development in the Green Belt. The applicant has not submitted any information on any other considerations that may clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm, (as referred to further in this report), and therefore 'very special circumstances' do not exist to justify approving the application. As such, the proposal is contrary to Paragraph 149 (g) of the NPPF (2021) and Policy QP5 of the Local Plan, which has no provisions for this type of development.

Impact on the character and appearance of the area

- 9.14 The appearance of a development is a material planning consideration, and the design of a proposal should not adversely impact on the character and appearance of the wider street scene. The revised National Planning Policy Framework (NPPF), 2021 is a material planning consideration in the determination of planning decisions. Section 12 of the NPPF concentrates on guiding the overall scale, density, massing, height, landscape, layout, materials, and access of new buildings in relation to neighbouring buildings and the local area more generally. Policies QP1 and QP3 of the BLP and the Borough Wide Design Guide are in line with the above policy guidance.
- 9.15 The area surrounding the site is distinctly rural in character and appearance. Open fields lie on both sides of Shurlock Row behind established hedgerows and mature trees. The road has no street lighting or pavements and is only sporadically interspersed by medium to large residential properties set back from the highway within substantial plots.
- 9.16 The applicant within their planning statement contends that whilst the site is rural in character, the existing building serves as a highly industrial storage use. Therefore, the character of the site according to the appellant is considered not to be rural. This is duly noted, however, the Framework and the development plan requires new developments to be assessed in relation to the character and appearance of the wider area beyond the development site. Therefore, this proposal cannot be solely judged in isolation with no consideration of the wider area.
- 9.17 Despite the reduction of the proposed dwellings from 13 to 12 since the previous refusal, , the proposal still involves the siting of houses across the majority of the width and length of the site. The development would be sited closer to the highway that the existing warehouse and the dwellings would be positioned in close proximity to each other on relatively small plots compared to the prevailing character, in particular plots 10-12, which are terraced. Overall, the development would have a noticeably urban appearance.

- 9.18 Accordingly, by reason of its siting, layout, scale and design, the proposal represents overdevelopment of the site resulting in an urban appearance that is unsympathetic to, and would detract from, the open and rural character and appearance of the area. For this reason, the proposal is contrary to the NPPF (Chapter 12) and Borough Local Plan Policies QP1 and QP3.

Impact on the amenities of future occupiers of the development and neighbours

- 9.19 Paragraph 130 (f) of the NPPF (2021) and Borough Local Plan Policy QP3, states that development works should not cause an unacceptable impact on the amenities of the immediate neighbouring properties. Paragraph 130(f) of the NPPF (2021), also states that developments should ensure that a high level of amenity standards are achieved for future occupiers.
- 9.20 The separation distances between the proposed dwellings complies with the minimum requirements set out in the Borough Wide Design Guide such that, with appropriate planning conditions, none of the future occupiers would be adversely affected by loss of privacy. Likewise, due to sufficient separation distances, none of the proposed dwellings would have an overbearing impact when viewed from the private amenity spaces and properties within the development.
- 9.21 The houses sited towards the southern boundary may have restricted levels of sunlight, particularly during the winter months, due to mature trees along this boundary. However, all of the houses across the site have adequate rear garden depths and areas, compliant with the Borough Wide Design Guide, which will ensure the houses are served with adequate levels of daylight, as well as sufficient private amenity space. Concerns have been raised in regard to the terraced Plots 10-12. However, the amenity space for plot 10 will not be overshadowed as the hedge along the southern boundary have been proposed for removal, the habitable rooms for plot 11 are deemed to have sufficient sunlight (east-west orientation) and the plot 11's garden size will equate to 57.1 sqm, which is deemed to meet the required guidelines. Lastly, in terms of plot 12, the separation between the rear points of plot 12 and 4 would be at least 16 metres which is deemed adequate separation distance.
- 9.22 Due to the separation distances involved and mature boundary trees, none of the neighbouring amenities will be harmed in terms of loss of privacy, loss of daylight or sunlight or from the proposed development appearing overbearing.
- 9.23 A number of representations received have expressed concerns about the potential adverse impact of the development on the neighbouring farm to the south from additional noise, dogs barking, light pollution and traffic movements, and the potential harm this could cause to the wellbeing of livestock and ultimately the viability of the farm. However, in the absence of evidence that demonstrates the development would likely lead to actual harm to animals and/or affect the farm's viability it would be difficult for the Council to justify and defend such an objection. With regard to potential complaints from occupiers of the development in relation to noise and odours coming from the farm, these would have to be substantiated with evidence that the levels and frequency of noise and/or odours amount to being a public nuisance offence requiring legal remedy, a situation which in this case is considered highly unlikely to occur. In addition, the applicant has submitted an 'Odour Assessment Report', which concludes that overall odour effects at the site are not considered significant such that they would represent a constraint to the development. Environmental Protection has not raised any objections to the proposal in terms of potential noise impact either from or to the development.
- 9.24 Overall, the scheme is not deemed to have an adverse impact on the amenities of the immediate neighbouring properties and the future occupiers of the development.

Highway safety and parking provision

- 9.25 BLP policy IF2 states that development proposals should support the policies and objectives of the Transport Strategy as set out in the Local Transport Plan and provide car and cycle parking in accordance with the current Parking Strategy. Furthermore, developments should cause an adverse impact to highway safety.

- 9.26 The previously refused scheme ref; 20/02462 was considered acceptable in terms of highway safety (access arrangements, required visibility splays and additional trip generation). There are no material alterations to the current scheme relative to the previous scheme as the access arrangements into the site will remain the same. Additionally, the proposed parking is deemed to be enough to accommodate the 12 dwellings in accordance with the council's parking standards.
- 9.27 Overall, subject to planning conditions to ensure the development would be implemented in accordance with the submitted drawings, together with further conditions related to construction management plans, the proposal raises no highway safety issues.

Ecology and Biodiversity

- 9.28 Paragraph 179(a) (2021) of the NPPF states 'when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy NR2 of the BLP states that developments will be expected to demonstrate how they maintain, protect, and enhance the biodiversity of application sites including features of conservation value which might presence of protected/priority species. Furthermore, development proposals will be expected to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance and proposals shall be accompanied by ecological reports in to aid assessment of the schemes. Lastly, Regulation (9) 1 of The Conservation and Habitats Regulation (2017) states that as the competent local planning authority must exercise the functions which are relevant to nature conservation. As such, it is the statutory duty of duty of the planning authority to ensure that development doesn't potentially any harm protected species.
- 9.29 The application site comprises a storage hanger and warehouses where it is proposed to demolish the buildings and construct 12 dwellings with associated parking and landscaping. The site contains hard standing, trees, a ditch, and a pond, and is surrounded by habitat of high suitability for use by protected wildlife. It is neighboured by an area of Ancient Woodland and Crockford's Copse Local Wildlife Site (LWS) to the north, grassland fields to the east and west, farm and residential buildings to the south and Twyford Brook 120m northeast.
- 9.30 Surveys have been undertaken at the site and adjacent woodland over a number of years (2014, 2016, 2019 and 2020) and these have been updated where necessary in 2022 (Ethos, February 2022). RBWM's Ecologist was consulted, their assessment, together with that of Officer's are discussed below.

Habitats

- 9.31 The site is adjacent to an area of Ancient Woodland and Crockford's Copse Local Wildlife Site (LWS) to the north. Ancient Woodland is an irreplaceable habitat of significant wildlife value. The woodland is also likely to fit the description of "Lowland Mixed Deciduous Woodland" which is listed as a habitat of principal importance under Section 41 of the NERC Act 2006, i.e., it is a "Priority Habitat" as per the NPPF.
- 9.32 Natural England have recently reviewed the Ancient Woodland status of the area adjacent to the proposed development, as part of a previous planning application and concluded that the part of the woodland closest to the proposed development does not qualify as Ancient. The minimum buffer of 15m (in line with Natural England's guidelines) between the area of Ancient woodland and the site can be provided as part of this development proposal and the applicant has stated that this will comprise of semi natural habitat, of native species which will be inaccessible to the public, due to the installation of a 2m close board fence. The details of the fence would have been secured via a planning condition if the proposal was recommended for approval.
- 9.33 With regards to the effects of the development on the adjacent woodland, which is also a LWS and a priority habitat, it is understood that no wastewater will be discharged into the ditch on site or the surrounding woodland during and post construction, and that the onsite SUD's scheme will

improve the water quality. This should be further detailed within a Construction Environmental Management Plan and secured as a planning condition subject to planning permission being supported.

- 9.34 With regards to lighting, the applicant has confirmed that a 2m fence will be erected between the development and the woodland in order to ensure that lighting, in particular from cars, will be mitigated. The applicant has provided a Lighting Specification in order to ensure that the lighting on site will not have a detrimental effect on wildlife, in particular along the northern boundary of the site adjacent to the woodland. There is no ingress of light to the boundary habitats and therefore the northern boundary and the habitats of the LWS will retained dark for light sensitive bats commuting and foraging bats along the woodland edge and for other nocturnal species. Therefore, a lighting strategy, based on the submitted documents, would have been secured via a planning condition if the proposal was recommended for approval.

Bats

- 9.35 A bat survey of all the structures on site was undertaken in order to assess their potential to support roosting bats. All the buildings on site had negligible potential to support roosting bats and therefore no further survey is required. The substation off site, had numerous roosting opportunities within the building for bats and it was concluded that the building had high potential to support roosting bats. Given the building is off site and will not be affected by the proposed development, no further survey of this building is required either.

Great crested newts

- 9.36 The applicant's ecologist has mapped a number of ponds and ditches within 500m of the site. The ecology report states that the majority of these are separated from the site by significant barriers such as roads and therefore no further survey has been undertaken. One pond was recorded within 100m of the site, but access was denied for the survey and therefore no further work has been undertaken. There were several ditches and a pond within the woodland to the north of the site which were recorded as having the potential to support GCN and therefore further survey was undertaken.
- 9.37 Environmental DNA (eDNA) surveys of the ditches and pond within the woodland were undertaken and one ditch was recorded as being positive for GCN eDNA indicating GCN are present within ditch 2 and that the adjacent woodland is likely to be used by GCN during their terrestrial stage. The application site only provides a very small amount of suitable terrestrial habitat for GCN's and the applicants ecologist has considered that the proposals are unlikely to impact GCN and the provision of a buffer on the northern boundary, restoration of the pond, and restoration of grassland and mixed scrub will see an improvement on site for GCN. It is unlikely that the favourable conservation status of GCN will be affected by the proposed development as long as the recommended mitigation provided within the ecology reports are conditioned as part of this application in the event of an approval.

Reptiles

- 9.38 The site was recorded as offering moderate value habitat for reptiles (the scrub and grassland areas). All species of common reptile are protected from killing and injury under the Wildlife and Countryside Act, 1981 (as amended). The applicant's ecologist undertook reptile surveys in 2019. Although the surveys did not follow Natural England's best practice guidelines with regards to timings (they were undertaken in October), the environmental conditions were appropriate for the survey and therefore it is unlikely to have had a significant limitation to the survey. No reptiles were recorded during the surveys and the ecologists have concluded that reptiles are likely absent from the site. Given the site still has the potential to support reptiles, following surveys during 2022, it is recommended that precautionary methods of clearance of the site are undertaken which includes a pre commencement survey, removal of potential refuges by hand,

and cutting of vegetation to ensure it is kept short and not suitable for reptiles. These details would have been conditioned if the proposal was being recommended for approval, as part of the methods statement within a CEMP.

Riparian mammals

- 9.39 Surveys for otter and water vole were undertaken within all the ponds and ditches within the woodland and site. No evidence of either species was recorded and therefore the applicant's ecologist has concluded that neither otter or water vole are using the site or woodland and that the development proposals will not have a significant adverse impact on riparian mammals.

Biodiversity

- 9.40 Paragraph 174 (d) of the NPPF (2021) states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Policy NR2 of the Local Plan states that development proposals need to demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.
- 9.41 The applicant's ecologist has provided a Biodiversity Net Gain (BNG) report and based on DEFRA biodiversity net gain metric 3.0 calculations, the proposed habitats on the site would result in an 81.42% gain in area habitats, a 121.72% gain in linear habitats, and a 300.52% gain for riparian habitats. The enhancements include the provision of a replacement pond, appropriate management of the ecological buffer along the woodland edge to allow the growth of tussocky/longer grass and scrub habitats (woodland edge habitats are often the most important for wildlife), native hedge and tree planting, installation of bird and bat boxes, construction of hibernacula and gaps within the boundary fencing. Details of such enhancements, including the locations, specifications, and management prescriptions, should be included within a Landscape and Ecological Management Plan (LEMP), which can be secured via a planning condition subject to a planning approval.
- 9.42 Overall, the scheme is deemed to be acceptable in terms of the Ecology and Biodiversity considerations.

Trees

- 9.43 Policy NR3 of the Local Plan states that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands, and hedgerows, including those that make a particular contribution to the appearance of the streetscape and local character/distinctiveness. Additionally, development proposals should: i. Protect and retain trees, woodlands, and hedgerows; ii. Where harm to trees, woodland or hedgerows is unavoidable, provide appropriate mitigation measures that will enhance or recreate habitats and new features; iii. plant new trees, woodlands and hedgerows and extend existing coverage where possible.
- 9.44 The site is adjacent to an area of Ancient woodland, which is protected by a Tree preservation order. No comments from the council's tree officer were received. However, on one of the previous schemes (17/03903), the tree consultation response, highlighted that there was a need for 15 metre buffer between the proposed development and the ancient woodland to mitigate any detrimental impact to this area of woodland. As set out in 9.32 above, Natural England has reviewed the Ancient Woodland status of this area since that previous application (17/03903) and determined that the part of the woodland closest to the proposed development does not qualify as ancient. Accordingly, the minimum buffer of 15m (in line with Natural England's guidelines) can now be achieved between the development and Ancient Woodland.

- 9.45 There are two TPO areas within the site ref; 005/2017/TPO. One is to the east of the site and one of them is along the north-western side of the site. The tree report highlights 3 trees within the east side TPO are to be removed to facilitate the development, these, trees are No.22 (Field maple – Category C), No.23 (Field maple – Category U) and No.24 (Ash – Category U). By virtue of their categories C and U, they are deemed to be low amenity trees. Furthermore, Nos 23 and 24 have been assessed and deemed as hazardous (extensive decay at the base), thus, should be felled for Arboricultural management reasons, irrespective of the proposed development as concluded within Section 5.1.3 of the tree report.
- 9.46 Whilst, the TPO trees to be lost provides some level of screening between the site and the adjacent open field, the lack of development along the adjacent open field minimises their importance and their need to provide visual screening for the resultant site. Furthermore, these trees are not visually prominent when viewed from nearby public vantage points.
- 9.47 Whilst the trees were deemed TPO worthy at the time the order was imposed, they have since deteriorated hence they fall within the low-amenity categories. Overall, there is no objection to the loss of these trees subject to adequate replacements. Furthermore, the loss of these trees does not affect the site's overall biodiversity value and the resultant proposal will result a net gain in biodiversity. The applicant is however expected to provide some level of replacement planting within the site or in and around the area to compensate for their loss, this can be secured via a landscaping condition.
- 9.48 The development would also lead to the loss of H1 and H3 category C Leyland cypress hedges. Whilst these species fall within TPO area ref; 005/2017/TPO, east of the site, the TPO tree description reads all tree species are protected except for the 'Leyland cypress. Therefore, H1 and H3 are not covered under the TPO area order, and they are also deemed to be of moderate amenity value, therefore, there is no objection to their removal. Furthermore, a substantial number of trees which are deemed to be category A and B (higher amenity value) are to be retained and there will also be replacement planting of trees and native hedges, which will be secured as part of the Landscape and Ecological Management Plan (LEMP) condition.
- 9.49 The tree report highlights that No.15 (Oak Tree) (within the TPO area) will be pruned to reduce risk of limb failure and to rebalance the crown and form a more symmetrical form to create a more positive relationship with usability of the garden space associated with the development. Non-TPO tree No.62 (Ash) (partly off-site), and an off-site H2 (Leyland cypress hedge) (non-TPO) are also to be pruned to facilitate the implementation of the proposals and ensure that a sustainable relationship is retained between the retained trees and the proposed built form.
- 9.50 Overall, the pruning in terms of its impact upon the landscape are deemed to be minor as the works have already been historically carried out within the site, the proposed pruning will essentially tidy up the existing pruning. Therefore, these works are deemed to have a negligible effect on the appearance of the trees and overall character and appearance of the site.
- 9.51 Some of the existing and proposed hard surfacing fall within the root protection areas (RPA) of some of the trees to be retained. However, the demolition and construction methods in relation to the works that will fall within the RPA of these trees will be supervised and will not include any deep excavation to ensure that the roots of the subject trees will remain unharmed.
- 9.52 To conclude the development will not have any impacts on the area of woodland adjacent to the site, the trees to be lost are deemed to be of low-amenity value and the pruning will not compromise the integrity of the trees subject to these works. Additionally, the development will retain all the category A and B (high amenity value trees) and, further tree and hedge planting will be secured as part of the Landscape and Ecological Management Plan (LEMP) related to the site's biodiversity net gain subject to an approval.

Flood risk

- 9.53 It is noted that the Environment Agency (EA) has objected to the current proposal on the grounds that the application site is within Flood Zone 3, (defined as having a high probability of

flooding), and that a Flood Risk Assessment has not been submitted with the application. This is contrary to its advice, dated 2nd November 2018, provided for application 17/03903, that confirms that the site is classified as Flood Zone 1 (defined as having a low probability of flooding) for planning purposes and that it has no objections to the proposed development, (in that case 18 dwellings). It is acknowledged that this modelling was part of an application in 2017, some 5 years ago. The Environment Agency were queried on their position in regard to the validity of their comments in November 2018 and maintain that they still have an objection to the scheme. However, the applicant's hydraulic modelling classifies the site as Flood Zone 1. Given the discrepancies in the EA's comments and the applicant's hydraulic modelling, the site is still deemed to be within Floodzone 1 and an FRA in regard to Fluvial flooding is not deemed necessary. Therefore, as with previous application; 20/02462/FULL it would be unreasonable to refuse the current application on the grounds of risk from fluvial flooding.

- 9.54 With regard to potential risk from surface water flooding, the Lead Local Flood Authority has raised no objections to the scheme, subject to a pre-commencement condition being imposed with any permission granted, that requires full details of the proposed surface water drainage scheme to be submitted and approved by the Local Planning Authority

Affordable housing

- 9.55 The applicant has provided 3 units of affordable housing in this instance, which represent 25% of the whole scheme. Policy HO3 of the Local Plan states that developments which propose 10 dwellings on all other sites besides greenfield sites should provide at least 30% of affordable housing. The proposal falls short of the units requirement by 5% (0.6 of a unit). The applicant proposes to make a financial contribution to make up for the shortfall in units. This financial contribution is deemed adequate enough to make up for the shortfall. Therefore, notwithstanding the green belt assessment in section 9.4 of the report, the proposal is considered to be compliant with Policy HO3. Since no legal agreement has been provided for the affordable housing provision and financial contribution a refusal reason is included to this effect, as the proposal is therefore contrary to Policy HO3 of the BLP.

Sustainability

- 9.56 The council's interim sustainability statement (March 2021) highlights that new dwelling should achieve a net-zero carbon rating. Any shortfalls should be mitigated by a financial contribution to the carbon offset fund. Additionally, the statement also requires new dwellings to have provisions for electric vehicle charging and high-speed internet to facilitate home working. Additionally, Paragraphs 7 and 8, and Section 14 of the NPPF (2021) and Policy SP2 of the Borough Local Plan (2022), encourage developments to be built to mitigate climate change and to incorporate low carbon and efficient energy sources.
- 9.57 The submitted energy statement highlights that the development will reduce carbon emission by 53.79% using efficient and renewable energy sources, despite this the scheme still falls short of achieving a net-zero carbon development. However, to accommodate the shortfall, the applicant has agreed to make a financial contribution to the carbon offset fund in line with the Council's Interim Sustainability Position Statement. The proposed contribution together with any relevant lifestyle emission fees would have been secured via Section 106 unilateral obligation by the council if the proposal was recommended for approval.
- 9.58 Whilst the submitted energy statement does not consider internet speeds to facilitate home-working and there is no provision for any electric vehicle charging points, lastly no water usage information has been provided. These details can be secured via a suitably worded planning condition. Overall, the proposed development is deemed to be in line with the requirements within the council's interim sustainability statement in relation to new dwellings. However, due to the requirement for a S106 agreement to enable the scheme to be acceptable on sustainability grounds, this will be included as a reason for refusal, as without a S106 the scheme is contrary to Policy SP2.

Other considerations

- 9.59 Given the current and previous use of the site, Environmental Protection has recommended that any permission granted should include a condition in respect of potential contaminated land. This would be a standard condition that requires an initial investigation and risk assessment of the site, and submission and approval of remediation measures if necessary. The condition is reasonable and necessary to ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised.
- 9.60 A number of representations received have referred to the site being unsustainable given the lack of pavement outside the site along the highway to facilitate safe walking, together with the lack of services and facilities within the local village. However, this was not a reason for refusal on the previous application, and it would be unreasonable to include it here for the current application under consideration.
- 9.61 A number of representations have referred to existing problems in the area with sewerage disposal and that the additional dwellings would make this situation worse. However, this matter is not material to the current application and is the responsibility of Thames Water.

Planning Balance and Conclusion

- 9.62 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.63 Footnote 8 of the NPPF (2021) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites or where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years'

- 9.64 The council has recently had its Borough Local Plan adopted. The planning inspector relative to the Borough Local Plan, at the time of adoption (8/02/2022) deemed that the council had a 5-year land housing supply. Additionally, whilst the Borough's recent housing delivery test, published by the Department for Levelling Up, Housing and Communities (DLUHC), came back at 73%, this was published before the Borough Local Plan was adopted. In light of the 5-year housing land supply and new housing requirement upon adoption of the Local Plan, the HDT was recalculated and agreed with the DLUHC, the new revised figure now stands at 111%. Therefore, the council's current position is that the presumption in favour of development and the 'tilted balance' does not apply.
- 9.65 Notwithstanding the above, section d(i) of paragraph 11 of the NPPF, corroborated by footnote 7, clarifies that, the tilted balance also does not apply where 'policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'. This includes areas in the Green Belt and those which provide habitation for protected species. In this instance, subsection d(i) of paragraph 11 is engaged as Green Belt policies in the NPPF provide a clear reason for refusing the development proposed, thus, the tilted balance would not apply. Therefore, the planning balance is to be carried out having regard to the statutory test in section 38(6) of the 2004 Act.

- 9.66 There are benefits that weigh in favour of supporting the scheme. In this case, the scheme would provide 12 additional dwellings, with 3 of those being affordable houses, together with a financial contribution which equates to 0.6 of a unit. Whilst this provides additional housing to the borough's housing stock with added social benefits (affordable housing, diversifying housing market and increasing consumer choice), this is only given moderate weight considering that the council currently has a 5-year land housing supply. The biodiversity net gain from the proposal should be given significant weight as a benefit of the scheme. Furthermore, the scheme would also provide jobs during the design and construction phase of the development, whilst this will benefit the local economy, this would only be temporary, thus, limited weight is given to this consideration.
- 9.67 The benefits identified are not considered to outweigh the significant harm caused to the Green Belt by inappropriateness, which is afforded substantial weight. Lastly, the proposal would also cause harm to the open and rural character of the area. It also fails to secure affordable housing and the necessary carbon offset contribution. There are no other material considerations which indicate that planning permission should be approved, nor any very special circumstances (for Green Belt purposes) presented by the applicant that would outweigh the cumulative harm identified above.
- 9.68 Overall, taking account of the Framework and the above considerations, including the benefits of the development, it is considered that material considerations do not indicate that planning permission should be granted for the development, which conflicts with the development plan.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable and would be charged at a current rate of £295.20 per square metre.

11. APPENDICES TO THIS REPORT

Appendix A – Site Location Plan
Appendix B – Plans
Appendix C - Elevations

12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal would have a greater impact on the openness of the Green Belt, in which it would be located, than the existing development on site. The applicant has failed to demonstrate that any other considerations would clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm, (as identified in the subsequent reasons), and therefore 'very special circumstances' do not exist to justify approving the application.
- 2 The proposal, by reason of its siting, layout, scale, and design, represents overdevelopment of the site resulting in an urban appearance that is unsympathetic to, and would detract from, the open and rural character and appearance of the area.
- 3 No legal agreement has been provided to secure the affordable housing provision and financial contribution. The proposal is therefore fails to provide the necessary affordable housing to meet the needs of the local area and is contrary to Policy HO3 of the Local Plan.
- 4 No legal agreement has been provided to secure the carbon offset contribution for the scheme to offset the impact of the proposal. The proposal is therefore contrary to policy SP2 of the Borough Local Plan.



Appendix C



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17 August 2022

Item: 3

Application No.:	22/01207/OUT
Location:	Oakley Green Mushroom Farm Oakley Green Road Oakley Green Windsor SL4 5UL
Proposal:	Outline application for Access, Layout and Scale only to be considered at this stage with all other matters to be reserved for the demolition of storage buildings (Class B8) and erection of 29 dwellings, together with associated access, parking and provision of amenity space.
Applicant:	Mr East
Agent:	Mr Douglas Bond
Parish/Ward:	Bray Parish/Bray
If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk	

1. SUMMARY

- 1.1 The development is an outline application for a scheme of 29 houses with access, layout and scale only to be considered at this outline stage, following the demolition of storage buildings (Class B8).
- 1.2 The proposed development is considered to represent inappropriate development in the Green Belt for which there are no very special circumstances to overcome harm through inappropriateness and any other harm. The harm to the Green Belt in this case, is the loss of openness and other harm includes encroachment and urbanising impact on this rural location within the Green Belt; flood risk (the applicants have not satisfactorily demonstrated that there would be a safe/low hazard means of escape from the application site to an area completely outside of the areas liable flood); and the loss of employment use.
- 1.3 At the time of decision, no legal agreement is in place to secure the affordable housing nor necessary sustainability measures. Therefore the proposal is also contrary to policies HO3 and SP2. In addition, necessary highways improvement works have not been secured and so the proposal would be contrary to policy IF2.

1.4

It is recommended the Committee refuse planning permission for the reasons given in Section 12 of this report:
<p>1. Given the spread of new buildings across the application site together with its layout, form and height, the proposal would have a greater impact on the openness of the Green Belt than the existing level of development. As such, the proposal represents inappropriate development in the Green Belt contrary to paragraph 149 of the National Planning Policy Framework (2021) and Policy QP5 of the adopted Borough Local Plan. Inappropriate development is by definition harmful to the Green Belt; furthermore there is not considered to be a case of very special circumstances that would clearly outweigh the harm caused by reason of inappropriateness and the other identified harm (impact on the rural character of the countryside, loss of employment use and flood risk) and referred to in the reasons for refusal below.</p>
<p>2. The proposed development would not only cause actual harm to the openness of the Green Belt but would also be harmful to the character of this rural area, as it would represent encroachment in the Green Belt and the introduction of a tight grained, suburban layout would have an intrusive urbanising impact. The proposed development would therefore conflict with adopted Borough Local Plan Policies, QP1, QP3, QP5.</p>
<p>3. The current proposal would entail the loss of 3,196 sq metres of warehousing space (B8). The applicant has not provided any credible and robust evidence of an appropriate period of marketing for economic use and sufficient evidence to</p>

<p>demonstrate that the proposals would not cause unacceptable harm to the local economy. A consideration of this proposal is the significance to the local economy of the use to be lost. The application therefore fails to comply with adopted Borough Local Plan Policy Policy ED3 3). .</p>
<p>4. The applicant has failed to provide sufficient information to demonstrate to the Local Planning Authority that there would be a safe/low hazard means of escape from the application site to an area completely outside of the area liable to flood. Details required include depth and velocities of flood waters along the entire escape route. The exact route of the means of escape also needs to be clearly identified. The proposal as submitted fails to comply with adopted Borough Local Plan policy NR1.</p>
<p>5. No legal agreement has been provided to secure the affordable housing provision and financial contribution. The proposal is therefore fails to provide the necessary affordable housing to meet the needs of the local area and is contrary to Policy HO3 of the Borough Local Plan.</p>
<p>6. No information has been provided to ensure that the proposed development would reduce carbon emissions, nor any legal agreement has been provided to secure the carbon offset contribution for the scheme to offset the impact of the proposal. The proposal is therefore contrary to policy SP2 of the Borough Local Plan.</p>
<p>7. The necessary highway and pedestrian improvement works have not been secured as part of this application. The proposed development would therefore be contrary to Borough Local Plan policy IF2 as it would not improve accessibility to the site and sustainable modes of transport.</p>

2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application as it is for major development.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The site is in the Green Belt and lies to the west of Windsor and is accessed via a lane on the west side of Oakley Green Road (B3024). The site is close to the junction with the A308 Windsor Road, to the north.
- 3.2 A residential property (Farm View) lies to the east of the site entrance. To the west of the site lies Meadow Lane Farm. The site is surrounded by agricultural land. To the east of Oakley Green Road on the opposite side of the road to the application site, is land which has been allocated for residential development (Site ref: AL21) in the adopted Borough Local Plan.
- 3.3 The site lies within a predominantly countryside location and is rural in character with open fields surrounding the site. There are a few residential properties in the vicinity which are set within spacious plots.
- 3.3 The site comprises 14 semi-circular/tunnel shaped buildings which are linked by a taller central block-walled corridor building. There is also a site office and portable building. The buildings are surrounding by an area of hardstanding.

3. KEY CONSTRAINTS

- 4.1 The site lies within the designated Green Belt. The EA maps show the site to be within Flood Zones 1, 2 and 3.

4. THE PROPOSAL

- 4.1 The proposal is for a scheme of 29 housing units. This is an Outline application with Access, Layout and Scale only to be considered at this stage. Other matters would be reserved for later consideration via reserved matters applications.
- 4.2 The proposed site plan 21-J3610-03 shows 12 detached houses, 2 of which appear to be garage linked; 5 pairs of semi-detached houses, 3 terraced houses, and 4 flats in a single building. Open space would be provided in the northwest part of the site. Vehicular access would be in a similar position to that of the existing and a new pedestrian access is proposed immediately north of Farm View leading to Oakley Green Road.
- 4.3 The Design and Access Statement advises that the proposed buildings would be 2 storey and the apartment building would be 2.5 storey. The proposal would entail demolishing the existing buildings on the site.

5. RELEVANT PLANNING HISTORY

Application Ref	Description	Decision and Date
22/00795/CPD	Certificate of lawfulness to determine whether the proposed erection of extant buildings and hardstanding under Planning permission ref. APP/T0355/A/08/2071193/NWF is lawful.	Pending consideration at the time at the time of preparing this report.
22/00768/CLU	Certificate of lawfulness to determine whether the existing use of the land as B8 storage and distribution is lawful.	Pending consideration at the time at the time of preparing this report.
07/03232/FULL	Change of use from agriculture to storage and distribution (B8).	Refused and allowed on appeal 2008.
94/01174/TEMP	Retention of temporary cold store storage containers and portacabin offices.	Permitted 6.1.95
93/01103/FULL	The re-location of the peat store and mixing building and the re-siting of and alterations to the services building	Permitted 17.6.93
91/01143/REM	Approval of reserved matters of 424907 landscaping	Permitted 30.12.91
91/01142/REM	Erection of a mushroom farm	Permitted 10.7.91
91/01141/REM	To erect dwelling house for mushroom farm	Permitted 10.7.91
89/01440/OUT	Erection of agricultural buildings for mushroom production, alterations to access and an agricultural dwelling.	Permitted 6.7.89
89/01439/OUT	Erection of agricultural buildings for mushroom production, alterations to access and an agricultural dwelling.	Permitted 6.7.89

- 5.1 The last application relating to this site is the appeal allowed under reference number 07/03232/FULL was to change the use from agricultural to storage and distribution (Class B8). The appeal was allowed by the Inspector on the basis that it was a proposed re-use of existing buildings and it did not amount to inappropriate development in the Green Belt.

- 5.2 In granting permission the Inspector imposed a number of conditions to restrict the use including:

1) standard commencement condition – 3yrs:

2) to restrict the extent of the B8 use to the mushroom farm building complex and associated hardstanding to a defined curtilage. Condition 2 states:

'The change of use hereby permitted shall be confined to the existing curtilage of the mushroom farm building complex and associated hardstanding defined by hedging and post and wire fencing, as shown on the lodged drawing no. S-04 -272-01A dated December 2004. The remainder of the site shall remain in agricultural use.'

3) to prohibit any external additions or changes to the appearance of the buildings without consent;

4) to prohibit external storage in the open area around the building complex;

5) agree the volume of traffic movements;

6) restrict the number of employees to 10 no.;

7) restrict the use to Class B8 only and

8) restrict deliveries.

6. DEVELOPMENT PLAN

6.1 The main relevant policies are:

Borough Local Plan: Adopted Feb 2022.

Issue	Policy
Design in keeping with character and appearance of area	QP3
Impact on Green Belt	QP5
Noise and light pollution	EP3 & EP4
Managing Flood Risk and Waterways	NR1
Trees, Woodlands and Hedgerows	NR3
Nature Conservation and Biodiversity	NR2
Sustainable Transport	IF2
Historic Environment	HE1

National Planning Policy Framework Sections (NPPF) (July 2021)

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 15- Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

7.1 A total of 10 neighbours were directly notified. The application was advertised by way of a site notice (posted at site on 26th May 2022) and advertised in the Maidenhead Advertiser on 26th May 2022.

7.2 Six letters of objection has been received, including letters from Holyport Residents Association and Oakley Green, Fifield and District Community Association. The points made are summarised in the table below.

Comment	Officer Response
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The site is not allocated for housing in the Borough Local Plan. RBWM housing needs met up until 2033.	Noted see paragraph 8.82
Agricultural land and in the Green Belt. Inappropriate development. No case of Very Special Circumstances.	See paragraphs 8.2-8.31
There is no suitable foot path for pedestrians from the site along Oakley Green Road to Dedworth Road.	See paragraphs 8.61-8.62
Busy junction, restricted visibility, additional traffic. No visibility of strategic study of A308 which is 3 years overdue. No further development should be granted planning permission. Traffic has increased along the Oakley Green Road since Aldi has opened. Road structure and all infrastructure in the area is totally inadequate.	Noted. Highway comments awaited and will be reported in the panel update report if received in time. See paragraphs 8.52-8.62
If the AL21 and AL23 proposals proceed then junctions of Oakley Green Road and A308, together with Oakley Green Road and Dedworth Rd will become gridlocked. This proposal would exacerbate this to a higher level.	Highway comments awaited and will be reported in the panel update report if received in time. See paragraphs 8.52-8.62
This proposed development would extend the Windsor boundary towards Maidenhead beyond the Oakley Green Road thereby reducing the gap between Windsor and Maidenhead. This is a gap which must be preserved as much as is possible.	See paragraphs 8.26 -8.31
The junction of Oakley Green Road and Dedworth Road already has the highest pollution in Borough. The development of AL21 and AL23 will increase this alarmingly. There has been prevention of development due to the reduction in air quality that would have taken place if the development had proceeded.	Comments awaited from Environmental Protection team. Any comments received will be reported in the panel update report.
Berkshire Archaeology has raised concerns.	See paragraphs 8.75 -8.79

Consultees and Organisations

Comment	Officer Response
<p>Parish Council: Recommended for refusal. Overdevelopment of a previously developed site within Green Belt. The site was not considered as strategic or included in the recently adopted Borough Local Plan (BLP). Cllrs considered the importance of maintaining agriculture within the area. Mr Dan East, representing Westbourne Homes (applicant) spoke to Councillors noting a 15% reduction of buildings compared to the current site. The proposed development would also reduce hard standing and increase green space. Mrs Marisa Heath spoke to Councillors to confirm intentions to create electric charging points and ensure homes are insulated to reduce their carbon impact. Along with the provision of home offices, pedestrian and cycle access with a link to the opposite development site. Cllrs considered the improvement to the</p>	<p>See paragraphs 8.2 -8.31 and 8.52 -8.62.</p> <p>Highway comments awaited and will be reported in the panel update report if received in time.</p>

<p>site with the additional of open green space, but questioned the responsibility for ongoing maintenance of such large areas within the development. The Council noted the responsibility of the BLP to protect Green Belt, noting no shortage of housing or suitable building sites within the area. As the site borders the already congested A308, Cllrs felt the application should not be considered by RBWM until the A308 study has been released and fully assessed.</p>	
<p>Environmental Protection:</p>	<p>Comments awaited and will be reported in the panel update report if received in time.</p>
<p>Rights of Way Officer</p> <p>The proposed development will have an impact on the rural nature of Bray Footpath 52 which runs adjacent to Oakley Green Mushroom Farm and will also significantly increase vehicular traffic on the easternmost section of the path. The development offers the opportunity to create a new path linking Bray FP 52 to the permitted path Bray 20P which itself joins the A308 and also to improve the condition of the easternmost section of the path which is currently a narrow pavement.</p> <p>Access to the works site may cause damage to the existing footpath during the construction phase of works.</p> <p>It is recommended that the application is accepted on the condition that any damage caused to the footpath as result of the works are made good and the easternmost section of the path be improved in light of the additional vehicular traffic anticipated. In addition a linking path is requested from Bray FP 52 to Bray 20P. This is in accordance with saved Policy IF5 in the newly adopted Borough Local Plan (February 2022) which states that:</p> <p>Rights of Way and Countryside Recreation</p> <p>THE BOROUGH COUNCIL WILL SAFEGUARD AND ENHANCE THE PUBLIC RIGHTS OF WAY NETWORK AND RECREATIONAL CYCLE ROUTES.</p>	<p>See paragraphs 8.61 - 8.62</p>
<p>Council's Ecologist:</p>	<p>Comments awaited and will be reported in the panel update report if received in time.</p>
<p>Highway officer: Awaiting comments</p>	<p>Comments awaited and will be reported in the panel update report if received in time.</p>
<p>Lead Local Flood Authority.</p>	<p>Comments awaited and will be reported in the panel update report if received in time.</p>
<p>Berkshire Archaeology :</p> <p>Recommends a condition to secure a programme of archaeological work including a Written Scheme of Investigation.</p>	<p>See paragraphs 8.75 - 8.79</p>

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8. EXPLANATION OF RECOMMENDATION

8.1 The main considerations are:

- i Green Belt
- ii Encroachment in the Green Belt and impact on the rural character of the area
- iii Loss of the existing business/industrial use
- iv Flooding
- v Highway Safety and Parking
- vi Trees
- vii Ecology
- viii Impact on neighbours
- ix Residential Amenity for future occupiers
- x Affordable Housing
- xi Archaeology
- xii Sustainable Design and Construction
- xiii Housing Land Supply

i Green Belt

8.2 The site lies within the Green Belt. There are a number of light grey coloured single storey tunnel shaped structures/buildings arranged in series in two blocks which are linked by a central taller block-walled corridor building. There is also a site office and portable building and a large area of hardstanding at the site. The structures/buildings are currently used for storage and distribution purposes (B8 use). They were formerly used (and originally built) for mushroom production.

8.3 The existing buildings have an agricultural appearance and have a neutral impact on the character and appearance on this rural locality. They are not readily visible from outside of the site or from any public land. Furthermore, the existing areas of hardstanding within the site are not readily visible from outside of the site and do not result in any significant loss of openness in the Green Belt.

8.4 Paragraph 149 of the NPPF (2021) states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

- 8.5 It is noted in the Glossary in Annex 2 of the NPPF (July 2021) that previously developed land is defined as:
- ‘ Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.’*
- 8.6 From the approved drawing S-04 0272-01A on appeal application 07/03232/FULL (referred to in Condition 2 of 07/03232/FULL) it can be seen that the defined curtilage of the B8 use, is very tightly drawn to include the ‘existing’ built-up part of the site where there are ‘existing’ buildings, narrow strips of hardstanding immediately to the north and south of the existing building and the carparking area (hardstanding) to the east. The open land beyond the existing west elevation of the building and to the north is excluded from this B8 curtilage. The site of the unbuilt building/extension immediately to the west of the existing building, is also excluded from the defined curtilage.
- 8.7 The applicants have submitted a Certificate of Lawfulness Application 22/00768/CLU which relates to the use of additional areas of land immediately beyond the curtilage of the B8 use, as defined by the appeal inspector, and situated to the north, south, west. This application is still pending consideration. Regardless of whether or not it is concluded that these additional storage/parking areas are ‘lawful’; it is noted that these areas are not completely covered with vehicles and structures, and as such they do not result in a material loss of openness in the Green Belt.
- 8.8 It is considered that the ‘previously developed land’ (PDL) on the application site could be considered to include the part of the site contained within the curtilage identified by the appeal Inspector. The PDL could also potentially include the additional storage areas, shown on application 22/00768/CLU, if it is concluded that a Certificate of Lawfulness can be granted.
- 8.9 However, it is very important to note the NPPF Glossary definition of PDL (see paragraph 8.5 above) states that it should *not* be assumed that the whole of the curtilage should be developed.
- 8.10 Therefore, areas of the site which are open and not covered in permanent structures within a previously developed site should not automatically be considered suitable for redevelopment.

Impact on openness

- 8.11 Looking at the proposed site layout, only 12 no. of the proposed houses would fall loosely within the confines of this ‘previously developed’ B8 curtilage (i.e. plots 1-6 and plots 14-19); and of these 12 units, approximately 4 of them (plots 1, 2, 18 and 19) would however be on the open hardstanding area. The remainder of the units i.e. 7-13 and 21-29 would be sited on open Green Belt land, beyond the B8 curtilage identified by the appeal inspector.
- 8.12 The construction of new buildings onto areas of open hardstanding (within the B8 curtilage as identified by the Appeal Inspector) and indeed onto the additional areas of hardstanding identified in application 22/00768/CLU and beyond, would have a greater impact on the openness of the Green Belt than the existing development on the site. This loss of openness would represent inappropriate development. The proposed development would also cause encroachment and have an unacceptable urbanising impact harmful to the rural character of the area.

- 8.13 The existing buildings have a neutral impact on the Green Belt. The new 2 storey houses and 2.5 storey apartment building would be considerably taller than majority of the existing buildings on the site. Therefore, even if the new houses were confined to an area within the footprint area of the existing building complex, it is considered that the development would still have a much greater impact on the openness of the Green Belt than the existing buildings on the site and thus be deemed to be inappropriate development.
- 8.14 The applicant's planning statement provides figures for the proposed volumes and ground floor areas. The total proposed Gross external area (GEA) of the housing would be 4511 square metres and the total volume would be 14,282 cubic metres. By comparison the planning statement states that the existing building has a GEA of 3195 square metres and volume of 12,783 cubic metres. The new houses would therefore be 41% larger than the existing in terms of GEA and 12% larger in terms of volume.
- 8.15 The authorised use for the remainder of the site (beyond the defined B8 curtilage) is considered to be agricultural land, which according to the NPPF definition, cannot be considered to constitute 'previously developed land'. A total of 17 units i.e. units 7-13 and 20-29 would be sited beyond the defined B8 curtilage. The proposed development would therefore involve building on an area of the site that is not 'previously developed land' – i.e. on agricultural land.
- 8.16 The proposed new housing development is not considered to represent 'limited infilling in a village' (under NPPF para 149 e)), as there is no clearly defined village settlement nearby. The development would therefore not fall within the Green Belt exception listed under 149 e).
- 8.17 It is noted that only 'some' of the proposed housing scheme would be affordable housing, and not all of the proposed units sited on the agricultural land would be affordable units. Furthermore, the level of affordable housing provision would simply meet the general minimum threshold requirement (30%) for such provision that all development is expected to provide. The provision of 9 affordable housing units for the whole scheme would therefore not provide the justification for this development in the Green Belt (under NPPF para 149 f)).

Fall back situation

- 8.18 The applicant discusses a fall back situation with regard to building out remaining agricultural buildings and extension allowed under an earlier extant permissions (422290 outline and reserved matters application 424907 in July 1989 and May 1991 respectively). All of these 'unbuilt' agricultural structures/buildings would be on land that falls outside of the developed curtilage defined by the Appeal Inspector.
- 8.19 To establish the fall back position, the applicant has submitted a Certificate of Lawfulness application 22/00795/CPD to verify the lawfulness of the remaining agricultural buildings and extension permitted under 422290 and 424907. At the time of writing this report application 22/00795/CPD was still pending consideration. (The plans submitted with 22/00795/CPD show 3 detached buildings and additional building/extension attached to the west side of the existing building.)
- 8.20 One of the (unbuilt) detached buildings is on land which is beyond the application site boundary for 22/01207/FULL. Another (unbuilt) building/extension would be attached to the western end of the existing building. It is important to note that Condition 3 of the Inspector's decision notice ref. 07/03232/FULL states: 'There shall be no additions or extensions to the building complex or any changes to its external appearance without express consent, in writing, of the local planning authority.' Therefore, it would appear that in order to implement the additional building/extension to the west side of the existing building, the applicant would need to obtain planning permission.
- 8.21 Even if some of the unbuilt 'agricultural' buildings approved under 422290 and 424907 could be built (through the extant permission/s), they still would not provide the justification (very special circumstances) for the scale and spread of development in the Green Belt. Although the unbuilt agricultural buildings may be large and dispersed across the application site, they are agricultural buildings. In principle, agricultural buildings are deemed to be appropriate in the Green Belt.

Furthermore, the size and siting of these agricultural buildings were considered acceptable when the original permission was granted for them in 1989.

- 8.22 The applicants have provided GEA and volume figures for the combined existing and unbuilt buildings on the site, in order to make the point that these unbuilt agricultural buildings would be significantly greater than that of the proposed development. However, this does not provide overriding justification for the proposed scheme.
- 8.23 At most, Green Belt policy would only allow the conversion of agricultural buildings. However, it is unlikely that the approved agricultural buildings (comprising composting buildings and peat store building) would be considered suitable for conversions to residential units. Therefore, housing development beyond the curtilage of the previously developed land would amount to a loss of openness and encroachment in the Green Belt, which would represent inappropriate development in the Green Belt.
- 8.24 The applicant has provided a letter from Pike Smith and Kemp about the viability of constructing the unbuilt agricultural buildings approved under 422290 and 424907, and the letter suggests that there is potential demand to use such buildings for agricultural purposes, were they to be built. This would appear to support the argument for *resisting* the loss of agricultural land in the Green Belt, rather than developing it for housing.
- 8.25 There does not appear to be a case of very special circumstances to overcome the harm through inappropriateness or other harm which in this case is encroachment and harm to the rural character of the area; loss of an employment use, and flooding implications (safe means of escape).

ii Encroachment in the Green Belt and impact on the rural character of the area

- 8.26 This site currently forms an important role in maintaining a strategic gap between the developed areas of Windsor and Maidenhead. Residential development as proposed, would erode this gap and represent unacceptable encroachment. Surrounding residential development is rather sporadic and linear in form, with existing nearby residential properties are set in relatively large plots.
- 8.27 The existing buildings on the site have a neutral impact on the character of the area. The general level of activity on the site associated with the B8 use, also seems to be low key. It is noted that condition 6 of planning permission 07/03232/FULL states that at no time shall the on-site workforce exceed the equivalent of 10 full time employees. Condition 8 states that no deliveries shall be taken or dispatched from the site outside the hours of 7.30 and 18.00 Mondays to Fridays, and outside the hours of 08.00 and 13.00 Saturdays, nor at any time on Sundays or Bank or Public holidays.
- 8.28 The introduction of 29 houses on this site would introduce a fairly high density, suburban form of development, it would not only lead to a loss of openness of the Green Belt but it would also be harmful to the established low density rural character of the area. With the levels of activity associated with the proposed development, it would be an intrusive form of development.
- 8.29 As mentioned above, this site currently forms an important role in maintaining a strategic gap between the developed areas of Windsor and Maidenhead. The proposed development would not only erode this gap, it would also be incongruous, intrusive and harmful to the established rural character of this area. It is acknowledged that the site on the opposite side of the road is allocated for housing development (up to 450 units), having been released from the Green Belt with the adoption of the Borough Local Plan in Feb 2022, to provide additional housing in the borough. However, the prevailing pattern of development on the west side of Oakley Green Road is low density.

Conclusion on Green Belt considerations

- 8.30 It is considered that the proposed development is inappropriate development in the Green Belt as it would have a greater impact on openness than the existing development on the site. The existing buildings within the defined B8 curtilage which were originally designed for agricultural use (mushroom production), do not cover the entire curtilage and have a neutral impact on the Green Belt. Furthermore, the spread of the proposed development across the open parts of the

site would represent unacceptable encroachment, coalescence and urbanisation of the Green Belt and erosion of a strategic gap between the settlements of Windsor and Maidenhead.

- 8.31 It is very important to heed the NPPF Glossary definition of Previously Developed Land (PDL) (see paragraph 8.5 above) that states it should *not* be assumed that the whole of the curtilage should be developed. Therefore, areas of the site which are open and not covered in permanent structures within previously developed land should not automatically be considered suitable for redevelopment. Furthermore, PDL excludes land that is or was last occupied by agricultural or forestry buildings. It is not considered that any possible fall back option to construct agricultural buildings provides the very special circumstances to override the harm through inappropriateness and any other harm. The other harm in this case is encroachment, coalescence, urbanisation and erosion of a strategic gap (discussed above); loss of an existing business/industrial use; and flooding implications.

iii Loss of the existing business/industrial use

- 8.32 The current proposal would entail the loss of 3,196 sq metres of warehousing space. Policy ED3 3) of the adopted Borough Local Plan states: ‘ Where a change is proposed from an economic use to another use, development proposals must provide credible and robust evidence of an appropriate period of marketing for economic use and that the proposals would not cause unacceptable harm to the local economy. A further consideration to be taken into account will be the significance to the local economy of the use to be lost.’
- 8.33 The applicant has not provided any supporting evidence to show that the site has been marketed for an appropriate period of time. Instead, the planning statement refers to application 18/03348 (Grove Park Industrial Estate White Waltham) and the officer report dated Nov 2020 which accepted the loss of 4823sq of employment floorspace (office use) after factoring known pipeline losses and gains in the Council’s Employment Topic Paper 2019.
- 8.34 However, it should be noted that the principle of redeveloping the site at Grove Park to provide housing was in accordance with the adopted Hurley and the Walthams Neighbourhood Policy WW1, which states that proposals for redevelopment of Grove Park to provide housing will be supported subject to type, impact on character and safe access. Additionally, application 18/03348/OUT was determined before the adoption of the Borough Local Plan.
- 8.35 The applicant’s planning statement in para. 5.68 states: ‘Whilst this proposal for the Mushroom Farm would entail the loss of further employment space within the Borough, the design of the buildings (as acknowledged in para. 4 of the appeal decision in August 2008) limits their adaptability to alternative uses. Although this was within the context of agriculture, it also applies to other employment uses’
- 8.36 It is considered that the potential for adaptability of the buildings for other employment uses should not be dismissed, in the absence of thorough marketing exercise. As submitted the application has failed to so compliance with adopted Borough Local Plan Policy ED3.

iv Flooding

- 8.37 The applicants have submitted a Flood Risk Assessment. The Environment Agency has been consulted and comments are awaited. Comments received from the EA prior to the Development Management Panel will be reported in a panel update report.
- 8.38 The Environment Agency (EA) Flood Zone map shows the site falling Flood Zones 3 (high risk 1:100 year probability) and Flood Zone 2 (Medium Risk – 1:1000 year probability) with the central area of the site being a ‘dry island’ on an area within Flood Zone 1 (low probability).
- 8.39 The FRA advises that the site specific information from the EA states that the site has no previous record of being affected by historic flooding. It is also understood that no detailed hydraulic model exists for the catchment in which the site lies. Therefore, to support a detailed assessment of the flood extents on the site and design flood levels for assessing the mitigation required, a site-specific analysis hydrology and hydraulic modelling exercise has been undertaken by Stantec (formerly Peter Brett Associates) to identify accurate flood extents and flood levels. The FRA advises that the EA has reviewed the modelling exercise and has

confirmed that is fit for the purpose of assessing the flood zones in the area and for assessing the mitigation required for fluvial flood risk. The FRA includes an email from the EA (dated 17th Feb 2022) advising that the modelling exercise is fit for purpose.

- 8.40 The outputs from the hydraulic modelling exercise confirm that the area of the site proposed for development is entirely in Flood Zone 1 'Low probability'. The FRA includes 3 figures to show the extent of the 1:20, 1:100 and 1:1000 probability scenarios. Although, the LPA notes that the site appears to be on a 'dry island' surrounded by areas liable to flooding.
- 8.41 The modelled 1 in 100 + 35% climate change allowance flood extent shows that the site with the exception of small areas along the eastern boundary are located outside of the Stantec modelled 1 in 100 annual probability + 35% allowance for climate change floodplain.
- 8.42 The Council's latest Strategic Flood Risk Assessment now says at 5.1.16, with regard to dry islands:
- 'It is highlighted that a small number of areas within the Royal Borough that fall into Zone 1 Low Probability are 'dry islands'. These areas may be surrounded by flood water for a considerable period of time. Whilst there is no direct risk to life and/or property as a result of water ingress, residents are unlikely to have ready access to medicines, food, water and utilities (i.e. electricity, telephone, and sewerage). It is essential that any future development within these areas considers carefully the emergency response in times of flood.'
- 8.43 So although it does not say that these dry islands should be categorised as falling within the flood zone that encircles it; the LPA must consider emergency response times. On this basis, whilst the Sequential Test is not required (or is in essence passed as Flood Zone 1) the LPA should be considering safe access/egress from the site.
- 8.44 It would appear that the proposed eastern end of the access road and the new footpath link to Oakley Green Road would cross areas liable to flooding in an extreme flood event. Regarding the safe access/egress the applicant's FRA acknowledges in para. 7.3.1 that the typical EA requirement for new development is that safe access arrangements to land outside of the floodplain are available in the event of a major flood (considered up to the 1 in 100 annual probability plus allowance for climate change flood).
- 8.45 Para. 7.3.3 advises: 'the vehicle access proposed is located in the south east corner and would be subject to shallow depth flooding at the design event. A new pedestrian access is proposed to the B3383 Oakley Green Road north of Farm View. This will cross the existing highway ditch and provide dry access to the highway ...'
- 8.46 However, the FRA does not provide any details about the potential depth and velocities of flood waters at the south east access. Furthermore, there are no such details for the new pedestrian access. The modelled flood information seems to show that a large parts of Oakley Green Road may flood in a major flood event. Therefore, the LPA considers that insufficient detail has been provided to demonstrate that there would be a safe/ low hazard means of escape from the site.
- 8.47 Policy NR1 of the emerging Borough Local Plan advises: 'Within designated flood zones development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms.'
- 8.48 Policy NR1 3) advises that in all cases, development should not in itself, of cumulatively with other development, materially:
- a. impede the flow of flood water
 - b. reduce the capacity of the floodplain to store water
 - c. increase the number of people, property or infrastructure at risk of flooding
 - d. cause new or exacerbate existing flooding problems, either on the proposal site or elsewhere
 - e. reduce the waterway's viability as an ecological network or habitat for notable species of flora or fauna.

- 8.49 Adopted Policy NR1 6) (as worded in the Schedule of Main Modifications published in July 2021) states: Development proposals should:
- a) increase the storage capacity of the floodplain where possible
 - b) incorporate Sustainable Drainage Systems in order to reduce surface water run-off.
 - c) reduce flood risk both within and beyond the sites wherever practical
 - d) be constructed with adequate flood resilience and resistance measures suitable for the lifetime for the development
 - e) where appropriate, demonstrate safe access and egress in accordance with the Exception Test and incorporate flood evacuation plans where appropriate.
- 8.50 The EA's 'Risk of Flooding from Surface Water' map shows that large parts of the are subject to high and medium risk of surface water flooding. The FRA advises that this mapping provides a guide to potentially vulnerable areas based on the topography of an area. In this particular case the FRA advises in para. 4.1.9 'the extensive areas shown as at risk on the mapping outside the site do not appear to consider the routing of overland flows north to the watercourse. The main watercourse passes under the A308 in a large (2.5m clear span, greater than 1.2m high) culvert, and the highway drain to the east of the site also passes under the A308 in a 1.05m diameter culvert. There is a fall to the north of the A308 into the marina and it is unlikely that the ponding of water over large areas south of the A308 shown could occur in practice.'
- 8.51 The proposal would include Sustainable Drainage Systems. The LLFA has been consulted on the proposal. Comments had not been received at the time of writing this report. Any comments received prior to the Panel will be reported in an update report.

v Highway Safety and Parking

- 8.52 At the time of writing this report comments were awaited from the Highway Officer and if received prior to the panel date, will be reported in the panel update. However, comments have previously been received which have been used to inform the officer recommendation.
- 8.53 The development is bordered by the A308 Windsor Road to the north and the B3024 Oakley Green Road to the east. The site currently benefits from a single vehicular access off Oakley Green Road. The site is located circa 6.0km from Maidenhead town centre to the north-west, and 4km from Windsor town centre to the east. There are a number of retail and commercial facilities situated on the B3024 Dedworth Road which are approximately 1.4km from the site access. The new Aldi store on Dedworth Road is approximately 0.6 km away from the application site.
- 8.54 The nearest bus stops are located on Dedworth Road and Ruddlesway and the bus routes 16/16A and W1 provide a regular, but infrequent service to Dedworth, Clewer & Windsor to the east and to Holyport, Bray & Maidenhead to the west. Having regard to the areas served and the frequency of the services, the current bus routes are not considered to provide an attractive service to those currently residing in the surrounding residential settlements or for the prospective occupants of this proposed development. Further, the existing footway and cycle routes in the area are not suited to promote or encourage pedestrian and cycling movements, given the limited facilities that exist for users wishing to travel along Oakley Green Road and the A308 Windsor Road. Apart from a relatively short section of footway on the west side of Oakley Green Road immediately to south of the Windsor Road junction, there are no other footways along Oakley Green Road. It is noted that this existing footway does not extend up to the vehicular access to the application site.

- 8.55 Whilst the distance to the bus stops on Dedworth Road are within the accessible range identified in Manual for Streets, the current pedestrian environment and route to the bus stops is particularly poor. This is also applicable to pedestrian routes to the retail and commercial facilities on Dedworth Road and the schools on Smith's Lane and Oakley Green Road (Braywood CE First School). Having regard to the above, the proposed development by reason of its location and use is likely to be heavily reliant on private car use, as is not considered to be within a very accessible location.
- 8.56 The layout of the development utilises a shared surface approach which the applicant advises is to minimise the amount of hardsurfacing. The layout of the development would include pedestrian links to areas of the proposed open space and to Oakley Green Road where pedestrians would be able to join the existing footway that leads to Windsor Road and then across the main carriageway via a proposed new footway (on south side of Windsor Road A308) and pedestrian crossing improvements. It may have been possible for off-site improvements to the highway and footway to be secured by a Section 278 Highway Agreement, had the application been recommended for approval.
- 8.57 On the basis that the Borough may be seeking to improve the pedestrian and cycling infrastructure in the area as part of its aims to enhance existing links between Windsor and Maidenhead, financial contributions (through a S106 agreement) could possibly be sought to improve the existing highway and transport infrastructure (in terms of pedestrian, cycle and public transport facilities).
- 8.58 The application proposes that the existing access will be reconfigured to provide a 5.5m access with a 2m wide footway on the south side to accommodate the nearby public footpath. It is considered that the access arrangement proposed is likely to be considered acceptable, by the Highway Officer.
- 8.59 Regarding traffic generation, the trip rates for the residential units are below the rates anticipated approved for the neighbouring development proposals (on allocated site AL21). Nevertheless, it is acknowledged that the proposal is likely to increase traffic flows onto the local highway network. The applicant's transport statement states that the proposed development will generate 13 vehicular trips (2 way) in each peak period and this would be an increase over the existing B8 use of the site, although it is pointed out in the transport statement that the proposed development would lead to a reduction in HGV movements to and from the site (in existing B8 use). As no legal agreement is in place at the time of decision to secure necessary contributions to highways improvements required to make the scheme acceptable, a reason for refusal is recommended as the proposal would be contrary to Borough Local Plan IF2 without them.
- 8.60 It is understood that the development will comprise 4 x 1-bedroom flats, 5 x 2 bedroom houses, 13 x 3-bedroom houses and 7 x 4-bedroom houses. The parking standards are set out in the Council's Parking Strategy 2004. 1-bedroom units would require 1 parking space, 2 and 3 bedroom units require 2 parking spaces and 4-bedroom units would require 3 parking spaces. It appears that sufficient parking can be provided on site.
- 8.61 The Council's Rights of Way Officer has commented that the proposed development will have an impact on the rural nature of Bray Footpath 52 which runs adjacent to Oakley Green Mushroom Farm and will also significantly increase vehicular traffic on the easternmost section of the path. The development offers the opportunity to create a new path linking Bray FP 52 to the permitted path Bray 20P which itself joins the A308 (Windsor Road) and also to improve the condition of the easternmost section of the path which is currently a narrow pavement.
- 8.62 Access to the works site may cause damage to the existing footpath during the construction phase of works. The RoW officer has suggested a condition to ensure that any damage caused to the footpath as result of the works are made good and the easternmost section of the path be improved in light of the additional vehicular traffic anticipated. In addition, the RoW Officer has requested a linking path from Bray FP 52 to Bray 20P. This is required in order to accord with adopted Policy IF5 in the newly adopted Borough Local Plan (February 2022) which states that the Borough Council will safeguard and enhance the public rights of way network and recreational cycle routes. Had the LPA been minded to grant planning permission conditions

would have been applied as suggested by the RoW Officer.

vi Trees

- 8.63 The applicants have submitted an arboricultural assessment. The tree report indicates that no principal trees need to be removed to accommodate the proposed development and the scheme provides ample opportunity for new tree planting and landscaping. The site is well screened by trees and vegetation on the road frontages and the only disturbance to the boundary screening would be for the creation of the new pedestrian link. The applicant has been requested to clarify which trees would need to be removed in order to create the pedestrian path, as it is unclear from the submitted drawing GHA – Rev C. Any further details received can be reported in the panel update report.

vii Ecology

- 8.64 At the time of writing this report comments were awaited from the Council's Ecologist. Comments received prior to the Development Management Panel date, will be reported in a panel update.
- 8.65 The site comprises a number of buildings, hardsurfacing, managed grassland and boundary vegetation. It is bordered by the A308 to the north, a residential property (Farm View) and Oakley Green Road B3383 to the east and fields on the other sides. The applicants have submitted an Ecological report for the application site. The report advises: 'There are no habitats of international, national, county or local importance that would be directly affected by the proposals. The site is of overall low ecological value, with the species recorded described as common or abundant and are found in similar places across much of Britain, with no evidence of protected species recorded.'
- 8.66 The applicants have also submitted a technical note/report on Biodiversity Net Gain. The report advises that the existing buildings and hardstanding areas will be removed and replaced by a number of new homes and a mixture of hard and soft landscaping, including the planting of new trees. The majority of the managed grassland area will be retained and enhanced to create areas of open space and wildflower planting, with traditional orchards, LEAP and SUDS also created. In addition, further enhancement measures will include the provision of new roosting, nesting and sheltering opportunities for a range of species and the creation of new wildlife habitats, such as some of those recommended by the Chartered Institute of Ecology Environment and Management's recently published Biodiversity Net Gain Good Practice Guidance, e.g. Nest boxes, bird feeders, bug hotels, hedgehog houses, bat boxes, log piles, communal gardens, pollinator nest sites and planting wildflowers.

viii Impact on neighbours

- 8.67 Given the distance maintained between the proposed buildings and the neighbouring properties it is not considered that the proposed buildings would have an adverse impact on sunlight/daylight, outlook or privacy to the existing residential property at Farm View. Nevertheless, the increased levels of activity from vehicles going to and from the site (with this proposed residential scheme for 29 dwellings) could introduce more noise over an extended period of time (particularly in the evenings and on weekends), which could diminish the quiet enjoyment of this neighbouring property during such times. It is noted that there are a number of conditions on the 2007 application, which limit the intensity of use of the existing B8 use on this site (through controlling delivery times and limiting the employee numbers). Condition 6 of planning permission 07/03232/FULL states that at no time shall the on-site workforce exceed the equivalent of 10 full time employees. Condition 8 states that no deliveries shall be taken or dispatched from the site outside the hours of 7.30 and 18.00 Mondays to Fridays, and outside the hours of 08.00 and 13.00 Saturdays, nor at any time on Sundays or Bank or Public holidays.
- 8.68 Nonetheless, it is considered that it may be difficult to justify a reason for refusal on the basis of additional noise and disturbance to Farm View, given that the proposal is for residential use and the distances between properties.

ix Residential Amenity for future occupiers

- 8.69 It must be considered whether the proposed development would provide an adequate standard of amenity for future occupiers of the residential units, and also for neighbouring properties to the site, this is required by paragraph 130 (f) of the NPPF. The Borough Design Guide SPD (adopted) also provides guidance on residential amenity, including private garden sizes.
- 8.70 At this outline stage it is not possible assess the proposed houses in terms of required internal space standards. However, the general arrangement and spacing of the houses and the garden sizes appear to meet the standards set out in the RBWM Design Guide SPD.
- 8.71 It is likely that sound insulation measures would be required to mitigate aircraft noise and these would have been secured via a condition had the LPA been minded to grant planning permission.
- 8.72 The application proposes a Local Area of Plan and a Local Equipped Area of Play within the application site boundary. There would appear to be sufficient open space provision with this application.

x Affordable Housing

- 8.73 The total number of housing units proposed for this site 29. The planning statement advises that the proposal would include 9 affordable units on site (31% of the total). The amended application form states that 4 x 1-bed houses and 5 x 2-bed houses would be affordable. In terms of Policy HO3 of the adopted Borough Local Plan requires:
- a) on greenfield sites providing up to 500 dwellings gross – 40% of the total number of units proposed on the site.
 - b) on all other sites (including over 500 dwellings) – 30% of the total number of units.
- 8.74 A legal agreement would have been required to secure appropriate on-site affordable housing, had the LPA been minded to approve this application. In the absence of such an agreement, the proposal fails to comply with policy HO3.

xi Archaeology

- 8.75 The Council's Archaeological consultant has provided comments on the application. There are potential archaeological implications associated with this proposed scheme. The site lies within the Thames valley, c.350m south of the river. It therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day, as evidenced by data held on Berkshire Archaeology's Historic Environment Record.
- 8.76 Adjacent to the site, to the north, there is evidence of Mesolithic or early Neolithic activity with a large collection of 54 struck flint tools found (MRW6955). North of the river at this point there is evidence of extensive Mesolithic, Neolithic and Bronze Age activity. Important prehistoric finds, such as a Late Bronze Age spear head (MRW7582 SU 93740 77160) and Neolithic Flint axes (MRW7603) have been recovered from the river, close to the application site. Cropmarks have been recorded in several fields close to the proposed site, such as a ring ditch at (MRW140) c.280m north.
- 8.77 Immediately adjacent, to the north of the site, a late Bronze Age mound and Iron Age ditches, pit and pottery sherds have been discovered during an evaluation. These may be interpreted as periphery activities associated to a possible settlement nearby. In addition there are two late Iron Age to Roman farmsteads c.650m northwest including enclosures, field systems and cremation burials . Oakley's first known mention was in 1220, and surviving Medieval settlement to the south of the site includes two 15th century hall houses, (c.300m south and c.370m southeast).

- 8.78 As shown, the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. If it were recommended to grant planning permission, a condition would be included to ensure that the works were carried out in accordance with a written scheme of investigation.

x Sustainable Design and Construction

- 8.79 The proposed houses would need to comply with the measures set out in the Council's Interim Sustainability Position Statement. However no details have been submitted to demonstrate that the proposal could be carried out in accordance with the Council's Interim Sustainability Position Statement. The proposal is therefore considered to be contrary to Borough Local Plan Policy SP2.

xii Housing land supply

- 8.80 The applicant's agent maintains that the that the LPA cannot demonstrate a 5 year land supply.
- 8.81 The Borough Local Plan was adopted in Feb 2022. The Council considers that it now has an up-to-date Development Plan. The Borough Local Plan inspector has confirmed that on adoption the Council can now demonstrate a 5-year housing land supply. This, together with the Council's re-assessment of the Housing Delivery Test in the light of the BLP adoption means therefore, that in terms of Paragraph 11(d) of the NPPF the 'tilted balance' no longer applies and the provision of 29 no. additional units would not outweigh the harm in this case.

Xiii Planning Balance

- 8.82 The proposed development would provide additional housing, including affordable housing, within the borough. However, as the LPA has a 5 year housing land supply, this would be a benefit of only moderate weight. There would be biodiversity enhancements as a result of the scheme which is a benefit of significant weight.
- 8.83 However substantial weight should be given to the harm caused to the green belt by reason of inappropriate development and any other harm. In this case, the other harm is to the openness of the Green Belt, encroachment into the Green Belt and harm to the rural character of the area. In addition there is the loss of an employment use, and flooding implications (safe means of escape). The benefits of the proposed development would not outweigh these harms and the application should be refused. It is not considered that there are any very special circumstances which would justify granting planning permission in this case.

9. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 9.1 The development is CIL liable. The applicant has submitted CIL forms to advise that the proposal would create 762 sq metres of additional floorspace.

10 CONCLUSION

- 10.1 As this report sets out, the proposed development does not comply with the relevant local planning policies and the National Planning Policy Framework. It is therefore recommended that planning permission is refused for reasons listed below.

11. APPENDICES TO THIS REPORT

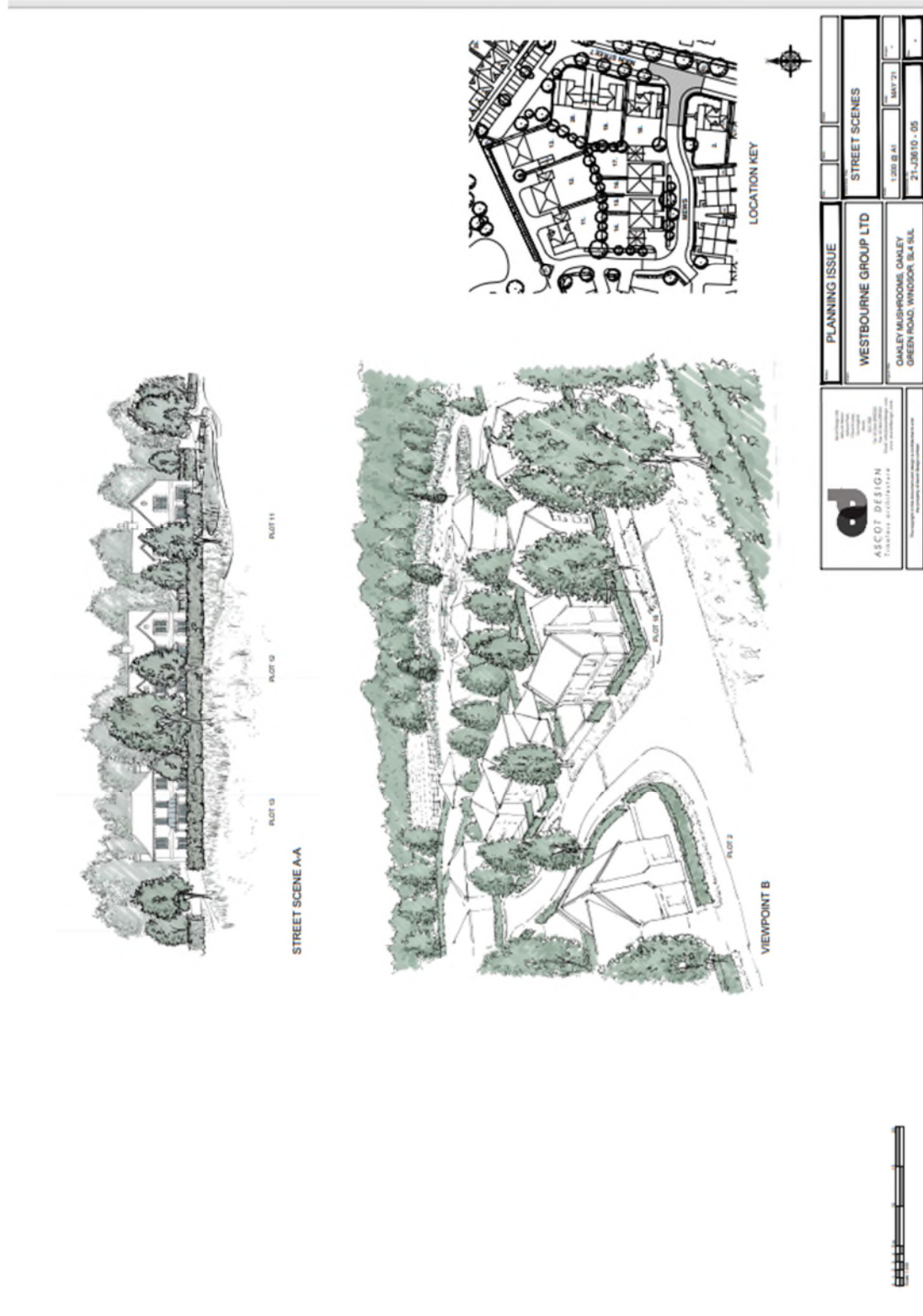
- Appendix A - Site location plan
- Appendix B – Site layout drawings

12. REASONS FOR REFUSAL

- 1 Given the spread of new buildings across the application site together with its layout, form and height, the proposal would have a greater impact on the openness of the Green Belt than the existing level of development. As such, the proposal represents inappropriate development in the Green Belt contrary to paragraph 149 of the National Planning Policy Framework (2021) and Policy QP5 of the adopted Borough Local Plan. Inappropriate development is by definition harmful to the Green Belt; furthermore there is not considered to be a case of very special circumstances that would clearly outweigh the harm caused by reason of inappropriateness and the other identified harm (impact on the rural character of the countryside, loss of employment use and flood risk) and referred to in the reasons for refusal below.
- 2 The proposed development would not only cause actual harm to the openness of the Green Belt but would also be harmful to the character of this rural area, as it would represent encroachment in the Green Belt and the introduction of a tight grained, suburban layout would have an intrusive urbanising impact. The proposed development would therefore conflict with adopted Borough Local Plan Policies, QP1, QP3, QP5.
- 3 The current proposal would entail the loss of 3,196 sq metres of warehousing space (B8). The applicant has not provided any credible and robust evidence of an appropriate period of marketing for economic use and sufficient evidence to demonstrate that the proposals would not cause unacceptable harm to the local economy. A consideration of this proposal is the significance to the local economy of the use to be lost. The application therefore fails to comply with adopted Borough Local Plan Policy ED3 3).
- 4 The applicant has failed to provide sufficient information to demonstrate to the Local Planning Authority that there would be a safe/low hazard means of escape from the application site to an area completely outside of the area liable to flood. Details required include depth and velocities of flood waters along the entire escape route. The exact route of the means of escape also needs to be clearly identified. The proposal as submitted fails to comply with adopted Borough Local Plan policy NR1.
- 5 No legal agreement has been provided to secure the affordable housing provision and financial contribution. The proposal is therefore fails to provide the necessary affordable housing to meet the needs of the local area and is contrary to Policy HO3 of the Borough Local Plan.
- 6 No information has been provided to ensure that the proposed development would reduce carbon emissions nor any legal agreement has been provided to secure the carbon offset contribution for the scheme to offset the impact of the proposal. The proposal is therefore contrary to policy SP2 of the Borough Local Plan.
- 7 The necessary highway and pedestrian improvement works have not been secured as part of this application. The proposed development would therefore be contrary to Borough Local Plan policy IF2 as it would not improve accessibility to the site and sustainable modes of transport.

APPENDIX B

Proposed street scenes



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Appeal Decision Report for Panel

11 July 2022 - 8 August 2022

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MAIDENHEAD

Appeal Ref.: 22/60026/REF **Planning Ref.:** 21/02193/CLAS AA **Plns Ref.:** APP/T0355/D/21/3286137

Appellant: Mr Peter Bristow **c/o Agent:** Other ET Planning Office ET Planning 200 Dukes Ride Crowthorne RG45 6DS

Decision Type: Delegated **Officer Recommendation:** Prior Approval Required and Refused

Description: Application for prior approval for construction of one additional storey to property with a maximum height of 2.32m.

Location: **7 Castle Court Maidenhead SL6 6DD**

Appeal Decision: Dismissed **Decision Date:** 26 July 2022

Main Issue: It was considered that the proposal would result in unacceptable harm to the external appearance of the dwellinghouse and would conflict with the National Planning Policy Framework (the Framework) requirement to achieve high quality design that adds to the quality of an area. Although not determinative in this prior approval appeal, the proposal would conflict with the Borough Local Plan 2013-2033, adopted February 2022, specifically Policy QP3 which seeks to ensure development respects and enhances the local character of the environment with particular regard to scale and bulk. However it was determined, the proposed development would not result in a harmful impact on the amenity of the adjoining premises. With regard to living conditions, it would accord with the Framework and Policy QP3 of the Borough Local Plan 2013-2033 which seeks to ensure development has no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties.

Appeal Ref.: 22/60041/REF **Planning Ref.:** 21/03605/FULL **Plns Ref.:** APP/T0355/D/22/3295327

Appellant: Mr Fergus Wheeler **c/o Agent:** Mrs Lyana Powlesland Bluestone Planning Unit 13 Manor Farm Manor Road Wantage OX12 8NE

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Erection of a detached garage following demolition of existing garage.

Location: **Winterset Shurlock Row Reading RG10 0PL**

Appeal Decision: Dismissed **Decision Date:** 22 July 2022

Main Issue:

Appeal Ref.: 22/60042/REF **Planning Ref.:** 21/02246/FULL **Plns Ref.:** APP/T0355/W/22/3294452

Appellant: Mr John Yates **c/o Agent:** Mr Peter Smith PJSA Chartered Surveyors The Old Place, Lock Path Dorney Windsor Berkshire SL4 6QQ

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Erection of an agricultural building for the purposes of storing hay.

Location: **Land West of Upper Bray Road Upper Bray Road Bray Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 5 August 2022

Main Issue:

Planning Appeals Received

11 July 2022 – 08 August 2022

MAIDENHEAD

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk/> please use the Plns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Other appeals: The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

Ward:

Parish: Bray Parish

Appeal Ref.: 22/60052/NONDET **Planning Ref.:** 21/02841/FULL **Plns Ref.:** APP/T0355/W/22/3295531

Date Received: 20 July 2022 **Comments Due:** 24 August 2022

Type: Non-determination **Appeal Type:** Written Representation

Description: Construction of x3 dwellings with associated access, parking and amenity space.

Location: **Land Between 156 And 158 And The Rear of 156 To 158 Windsor Road Maidenhead**

Appellant: Mr Johnston **c/o Agent:** Mr Matt Taylor Churchgate Premier Homes ID Maidenhead Vanwall Business Park Vanwall Road Maidenhead SL6 4UB

Ward:

Parish: Bray Parish

Appeal Ref.: 22/60053/NONDET **Planning Ref.:** 21/03027/VAR **Plns Ref.:** APP/T0355/W/22/3300618

Date Received: 25 July 2022 **Comments Due:** 29 August 2022

Type: Non-determination **Appeal Type:** Hearing

Description: Variation (under Section 73A) of planning permission 15/02885/FULL (Allowed on Appeal) to vary the wording of Condition 3 (Occupation of the Premises) to read 'The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (August 2015)' and to remove Condition 4.

Location: **Land Rear of Stratton Cottages Fifield Road Bray Maidenhead**

Appellant: Sandra Bull **c/o Agent:** Matthew Green Green Planning Studio Ltd Unit D Lunesdale Upton Magna Business Park Upton Magna Shrewsbury SY4 4TT

Ward:

Parish: Maidenhead Unparished

Appeal Ref.: 22/60055/REF **Planning Ref.:** 21/02046/FULL **Plns Ref.:** APP/T0355/W/22/3298086

Date Received: 1 August 2022 **Comments Due:** 5 September 2022

Type: Refusal **Appeal Type:** Written Representation

Description: 8 No. flats and new vehicular and pedestrian access following demolition of existing dwelling.

Location: **Devonia 13 Braywick Road Maidenhead SL6 1BN**

Appellant: Leap Homes **c/o Agent:** Mr. Paul Dickinson Highway House Lower Froyle Hants GU34 4NB

Ward:

Parish: Bray Parish

Appeal Ref.: 22/60056/ENF **Enforcement Ref.:** 19/50051/ENF **Plns Ref.:** APP/T0355/C/22/3304132

Date Received: 1 August 2022 **Comments Due:** 5 September 2022

Type: Enforcement Appeal **Appeal Type:** Public Inquiry

Description: Appeal against the Enforcement Notice for: Without planning permission, the erection of a pool house (building) and associated swimming pool, changing rooms and toilet facilities hashed blue on the attached plan.

Location: **Thimble Farm Sturt Green Holyport Maidenhead SL6 2JH**

Appellant: Mr Anthony Clifton Bennet Thimble Farm Sturt Green Holyport Maidenhead SL6 2JH

Ward:

Parish: Bray Parish

Appeal Ref.: 22/60057/ENF **Enforcement Ref.:** 19/50051/ENF **Plns Ref.:** APP/T0355/C/22/3304134

Date Received: 1 August 2022 **Comments Due:** 5 September 2022

Type: Enforcement Appeal **Appeal Type:** Public Inquiry

Description: Appeal against the Enforcement Notice for: Without planning permission, the erection of a link extension infilling the dwelling and the pool house building hashed blue on the appended plan.

Location: **Thimble Farm Sturt Green Holyport Maidenhead SL6 2JH**

Appellant: Mr Anthony Clifton Bennet Thimble Farm Sturt Green Holyport Maidenhead SL6 2JH

Ward:

Parish: Bray Parish

Appeal Ref.: 22/60059/ENF **Enforcement Ref.:** 19/50051/ENF **Plns Ref.:** APP/T0355/C/22/3304135

Date Received: 1 August 2022 **Comments Due:** 5 September 2022

Type: Enforcement Appeal **Appeal Type:** Public Inquiry

Description: Appeal against Enforcement Notice for: Without planning permission, the erection of extensions leading off the southeast elevation of the dwellinghouse, with associated swimming pool, associated changing room and toilet facilities, in the approximate position hashed blue on the attached plan.

Location: **Thimble Farm Sturt Green Holyport Maidenhead SL6 2JH**

Appellant: Mr Anthony Clifton Bennet Thimble Farm Sturt Green Holyport Maidenhead SL6 2JH

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